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The People of the State of California

The Gold Run Dutch and Mining Co.



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VOLUME

25

IN THE SUPERIOR COURT,

State of California, County of Sacramento.

OCTOBER SESSION, 1881.

HON. JACKSON TEMPLE, - - - - - PRESIDING JUDGE.

WINFIELD J. DAVIS, OFFICIAL REPORTER.

SAMUEL OSBOURNE AND WILLIAM M. CUTTER, REPORTERS.

The People of the State of California,

*vs.*

The Gold Run Ditch and Mining Co. }

COUNSEL:

*For Plaintiff,*

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*For Defendant,*

J. K. BYRNE, W. C. BELCHER, S. M. WILSON, W. T. WALLACE, A. B.

DIBBLE, A. P. CATLIN.

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In the Superior Court  
of the State of California  
and for the County of  
Sacramento.

The People of the State  
of California  
vs.  
The Gold Run Ditch  
and Mining Company

Morning Session  
Tuesday  
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Winifred J. Lewis  
Official Reporter



In the Superior Court  
Of the State of California  
in and for the County of  
Sacramento

The People of the State of California vs.	} Morning Session Tuesday Decr. 20/81
The Good Run Ditch and Mining Company	

Testimony  
of  
G. H. Cobby

Cross - resumed

Mr. Cadwalader. I want to ask  
you a few more questions;  
you spoke of the Polar Star  
ditch, do you know how much  
water that mine used in 1881  
or 1880? a I do not

I do you know whether it was  
a large or a small quantity?

a I do not know what any  
was used in 1881 - do you  
mean 1880 and 1881?



Q In 1880 & 1881 the quantity of water used in the Polar Star? A Yes sir, there was - I did see it at those times.

Q You spoke of there being a mine -

A (Intg) The quantity of water was pretty large

Q You say now it was pretty large? A Yes sir

Q I will ask you whether in 1880 it was over 60,985 inches? A I could not state

Q You do not know how much it was? A No sir

Q That you would call a large amount of water, would you not?

A It depends somewhat on the time it was running

Q Well, for the mining season of 1880? A Well, I do

not know whether I would call that large or not without estimating it

Q Well, it is something like the quantity of water -

A Well, I know as a



Matter of fact that they run a pretty large head

I, As a matter of fact it is nothing like the quantity of water used by the Gold Run is it?

A While they run they use fully as much, but they do not run as many hours in the day

I But I mean for the year?

A Well, I say while they are in operation, running a head of water

I I know, but that is not the question. I will ask you whether the Gold Run has actually did not use 5 or 6 times as much as the Palan Stan? A. I should say not

I What quantity does the Gold Run use, if you know?

A No sir, I do not

I Then how can you tell?

A I do not pretend to tell

I You do not know. Now you speak of there being some mines in operation in 1880-1 above the Palan Stan mine



and you referred to a claim  
called the Navy Red. Do  
you pretend to say that was  
an operation that year?

A. I do

Q. How much water did it  
use? A. I do not know  
the amount. When I say  
the Navy Red I mean the El-  
more Hill claim, it is in  
Navy Red district

Q. You mean the Elmore Hill  
after all?

Q. Do you know how much  
water it used? A. No, sir,  
I do not

Q. During the year 1880-1?

A. I do not

Q. You spoke about the Little  
York, was the Little York in  
operation in 1880 or 1881?

A. I am not sure about  
that, I think it was but  
to what extent I do not  
know

Q. How many mines were  
in operation in Dutch Flat  
this year, that are using



water thing about the season  
or do you know?

A I know about the number.  
The principal mining was done  
by the Polar Star Company and  
the Cedar Creek Company.

I The Polar Star and the  
Cedar Creek? A. There  
were one or two other claims  
run, named by the name  
of — {Inté} They were the prin-  
cipal mines.

A Yes sir

I The Polar Star and the  
Cedar Creek? A Yes sir

I You spoke about there  
being a distinct North Platte  
County? A No. Not  
Distinct #4, Township #4  
I spoke of

I Township #4, that Em-  
braces what part of the  
County? A It embraces  
that portion of the County  
situated from about 4 miles  
below Colfax up to Emigrant  
Lake



Q From miles below where?

A Below Coefax, Commencing about 4 miles below Coefax and embracing that ridge up to Cuyamont Gap.

Q What is the average width of that section of the County?

A Well, I should say about 5 miles in width.

Q How long is it?

A It is about 20 miles, I am not sure of the distance.

Q What is the population of that township?

A It is nearly 3,400.

Q What part of it is engaged in hydraulic mining?

A A large portion of it. I well, just mention what portion was engaged in hydraulic mining in the years 1880 and 1881.

A I can not state the amount.

Q Well, how many men to a mine? or that I can not state. I made no estimate on that.

Q You could not state?



A. No.

Q Well, about how many men comes the average mine use?  
A Well, they use all the way from 2 or 3 men up to 50 and 20. The Polar Star I believe uses about 200 men.

Q On what work in the mine?

A Laying in

Q At Dutch Flat?

A Yes Sir.

Q Did it use 200 men in 1880 and 1881?

A I cannot not know the amount. It is my judgment in that neighborhood they used about that number. I should judge, there might not have been much more than 100, but I should judge from 100 to 200.

Q During what, what were the 200 men doing?

A Working in the mine.

Q During what kind of work?

A Breaking rock and getting dirt out and doing general work in the mine, drilling



a good deal of it.

Q They had 200 men or 100  
in 1880 - Give an average  
of the men? A I can  
not give an average. I made  
no estimate

Q comes the average be over  
25? A Yes sir

Q comes it be over 20?

A Yes sir

Q comes it be over 30?

A I should say the average  
comes be 100, when in operation,  
I think more than that

Q well, for 1880 and 1881?

A I meant 1880 and 1881

Q Do you know?

A I told you that I had made  
no estimate on it, that is  
my judgment on it

Q Do you know how many  
men the Gales Run worked?

A No I do not exactly

Q Do you know how many  
the Cedar Creek worked?

A I have had occasion to  
know pretty closely how  
many the Gales Run worked



Q. Do you know how many men the Cedar Creek worked?

A. Not exactly.

Q. Or you know how many men the Nevada try diambie worked?

A. I do not exactly. I can give you an estimate on the mine if you desire it.

Q. Well, tell me how many men the Cedar Creek worked last year?

A. I should judge that they worked about 50.

Q. How many did the Gold Run work?

A. I should judge that they worked about 25 or 30.

Q. Which is the largest mine?

A. The Cedar Creek is running 2 mines in 2 separate places.

Q. That is they have 50 men then in the two mines?

A. Yes sir, I mean the Company worked that amount of men, I should judge.

Q. What is the extent of the lumber business from the New England Mills East in



Chate County, how many men are employed in that business, the lumber and wood business?

A. During the Summer Season probably — you mean in the whole County or that ridge?

I Yes Sir. A I should say perhaps 200 or 300

I What is the produce of lumber, how many million feet comes it amount to in 1880 and 1881? A I cannot not say

I Is there not more than 200 or 300 men chopping wood for the Central Pacific R. R? A I understood you in the lumber business.

I Lumber and wood?

A There are a great many men cutting wood in the Summer Season. When I say 300 men, I mean those men that are directly engaged in the saw mill business or in and about saw mills



2. Three hundred actually in the sawmills? A. Yes sir, I judge so

2. That ridge is principally devoted to wood and lumber is it not? A. No sir

2. There are 3 times as many men engaged in wood and lumber on that ridge than any other occupation or business? A. Somewhat

it is so and other portions not. The mining business is the principal business there

I take from the New England Mills up —

Mr. Decher What is the last answer?

A. I say the mining business is the principal business there Mr. Cadwalader In what sense — Employing a greater number of men?

A. Yes sir, more men engaged in that than any other business, in my judgment

I will, how many men do you mean that are engaged



in that business?

A I have not made an estimate on it, I could not say  
 I. On that ridge, across the  
 Gold Run and Dutch Flat  
 would it not?

A Engaged all along in different places, they are engaged in the vicinity of Colfax and Gold Run, very many engaged in mining at Dutch Flat

I. I mean by drabie mining.

A Well, I say mining. I did not say by drabie mining

I I am talking about by drabie mining?

A And at Shea Run there are principally engaged in mining, at Elmore till they are principally engaged in mining, and at Blue Canyon a portion of the time engaged in mining

I Well, I mean by drabie mining?

Mr Dibble, I do not understand him that the lumber



trade was a mining industry?

A No sin Lumber is connected with mining to a certain extent

Mr. Cadwalader I did not ask that question — They ship lumber all over the State from that County as they not? A I think not all over the state

I They ship it to Arizona and Utah? A There is some shipped to Arizona I think

I Do you know any thing about the general production of Placer County? Do you know whether Placer County grows more wheat than Sacramento County?

A I do not know as to that, I should think not however. I know that in the lower part of Placer County there is considerable wheat raised, but I should judge not near as much as in Sacramento County



Q Do you know the number of sheep in Placer County?

A No sir, I do not

Q Do you know the number of acres in cultivation?

A No sir

Q Is there a district in Placer County?

A No sir

Q You do not know anything about it, do you? What proportion of the area of the whole county is devoted to hydraulic mining? A I could not estimate that, quite a considerable portion of it however

Q You call it quite a considerable proportion? A Yes sir

Q That is your idea is it, that it is quite a considerable proportion? A Yes sir

Q That is, of the area of Placer County is devoted to hydraulic mining? A Yes sir

Q Do you ever know of a law or custom in the mines compelling the miners to work their claims in any particular



way? A What do you mean by that? I do not understand you.

Q I mean were the miners obliged to work their claims in any particular way, or were they at liberty to work them claiming in any particular way?

A I do not know that I understand you.

Q Do you know of a mining law or regulation that compelled the miners to work their claims in any particular way?

A Do you mean to compel them to work by a different process?

A Well, in any way, with tools, with rocks, with shovels?

A Now I do not know of any law compelling them as to the process by which they would work their claims.

Q Or the manner - You never knew of any thing compelling them to work their claim in any particular manner. That was left to them was it not?



A. Certainly if you mean the process of mining.

Q The manner, the mining?

A Well you say manner. I don't know what you mean by manner.

Q The way in which they were to work their claims?

A I say I never knew of any law compelling miners to work their claims by any particular process.

Q They were at liberty to work them as they pleased?

A As a general thing I should say so.

Q They may work them by drifting if they saw fit?

A Yes sir.

Q They might tail into the nearest ravine or any ravine?

A Yes sir.

Q That is, they were not bound to tail in any particular place?

A Not bound to. They always seek the nearest one where the best dump is.

Q There was nothing compelling



them to work their claims in  
any particular way

A No, but it is customary  
among miners to use the most  
accessible dump

I understand that, of course,  
but the mode was left to the  
miners. A I should say so

I then understand you they  
were at liberty to work in  
any mode they saw proper  
providing they did not injure  
others. A I did not state  
that.

I Well, I will ask you that  
question? A As to their  
injuring others would not  
nobody in the matter.

I That would not injure.

A No is

I How was it in piling up  
when you were a miner, piling  
up your tailings - did you feel  
yourself at liberty to pile  
them upon the claims of the  
adjoining miners or did you  
take care of them yourself?

A Always piled them when



there is room to pile them and if an adjoining claim had been worked out I would pile the rocks on it if it was convenient to do so

Q That if it was worked out?

A Yes sir

Q But you did not pile them any place where other men were working?

A. Not to obstruct their work

Q You never thought of any thing of that kind? A No sir

Q Then you always respected the rights of property of third persons?

A. Of course

Q In all your manner of mining that was universal, was it not as far as you know?

A I should say so, as far as I know

Q It would not be even questionable?

A No one would

claim the right to pile the rocks on to his neighbors claim to his injury

Q I believe you stated yesterday that where they were written



law, the relate to the manner of locating claims, the size of the claims, and the amount of work necessary to be done on it, to hold it?

A I do not think that I stated that.

Q Well, what did you state on that subject?

A I do not remember what I did state exactly. I answered some questions in relation to mining laws. I do not remember now.

Q I will ask you again whether in the first place they do not relate to the manner of taking up claims?

Mr Belcher. All that testimony was given in answer to Mr. Cadwalader on his Cross-Examination and the answer that were given he must take, because there was nothing in the direct in regard to it, and he is not a liberty as we truly to cross-examine him as to his own cross-examination.



where he has rested upon that  
Mr. Cadwalader. We regard the  
 answer of the witness yesterday  
 as covering this point; You  
 made some answer yesterday of  
 this nature, that you could not  
 work certain mines except  
 by this draulic process. I sup-  
 pose you mean that you could  
 not work them so profitably.

A I mean to be understood that  
 that some mines can not be  
 worked profitably by any other  
 process.

Q That is what I say. You  
 did not then mean to say they  
 could not be worked at all?

A I did not say that any  
 mine could not be worked.

Q Whether it could be worked  
 profitably or not would of  
 course depend on the area,  
 or value of the pay dirt,  
 the area and the value of  
 the pay dirt combined it.

A That would depend very  
 much on that. I should say  
 not altogether 'however on'



that either. Some claim it is very difficult to draft even if the pay dirt were all confined to a streak, it would be so difficult to draft it out that it would not be profitable to do so.

Q You speak of working draft claim as if they had always to be worked by cars, are not they frequently worked through shafts? A Not necessarily to have it worked that way but that is the usual practice.

Q That is, when they can get the grade they come bringing the dirt out in cars?

A. The common method is to transport the dirt out in cars.

Q. A great many companies bring it out through shafts, don't they? A. Some companies have sunk shafts and bring it to the foot of the shaft in cars, and then raise it, it is usually by steam power.



2 In making your estimate of the amount of earth to be taken out of the Goose Run, did you extend the channel over the Railroad track?

A No sir, I did not

2 The channel does extend beyond the railroad track, don't it? The channel does extend beyond the railroad track?

A Well sir, there is the strongest evidence in the world, of it.

2 Well, if there is any of that channel beyond the railroad track it would have to be worked into the American River wouldn't it?

A No sir it can't be worked that way

2. But you stated that the grade they would lose in Bear River? A Said, that in the Goose Run doesn't not when you pass the railroad track

2 Well, I will ask you this  
A I was speaking of that as applied to the Goose Run district, not to any section



North of that.

Q Well, don't they propose to work the Bear River district into the American? A They do not.

Q Are you sure?

A I have never heard of such a proposition.

Q Have you heard of a tunnel that starts on Bear River about the mouth of Steep Hollow?

A I have heard of it. I have heard of two surveys being made for such purpose, to drain Bear River.

Q The intention of that is to wash all the tailings in the bed of Bear River into the American, is it not?

A From the tunnel up, that is their intention, to wash the bed of Bear River from such point as the tunnel should be located upon.

Q Well, that is starting below the mouth of all the branches of Bear River?

A. Yes sir, down quite a distance below Dutch Flat



The proposition was not to run that tunnel for the purpose of crossing the Dutch Flat diggings, that was not the proposition.

I will all the tailings from Dutch Flat, would pass over the mouth of that tunnel, would they not, this projected tunnel?"

Mr. Dibble Is there a tunnel there, at all.

Mr. Cadwalader. I do not pretend that there is but it is projected, is it not? It cuts the bed of the main Bear River does it not below Steep Hollow?

A The surveys do I believe, the surveys made for that purpose

2. And then the tunnel runs from a point 90 feet below the bed of Bear River into the American about the mouth of Canon Creek, don't it?

A I do not know the exact figures



Mr. Dibble I ~~do~~ don't run  
at all, does it?

Mr. Cadwalader. Well, it is  
projected, surveys have  
been made<sup>2</sup>.

A I have know of two  
surveys being made

I The grade has been  
established, has it not?

A I do not know as to  
that. I know surveys  
have been made

I There is plenty of  
grade, is there not?

A I think there is

I Well, you said yesterday  
it was 900 feet

A Yes sir

I Well, that is a great deal  
more than necessary is it not?

A Yes sir, considerable more  
than enough, it depends on how  
far the Bear River comes from the  
North Fork, where it ran through



Testimony  
of  
Eli Wells

Called for depts. sworn.

Mr Ballin Q Where do you  
 reside? A In Brighton  
 township

Q About how far from  
 Sacramento? A About 8 miles

Q On the American river?  
 A Yes sir

Q What is your occupation?  
 A Farming

Q Do you own land on the  
 American river? A Yes sir

Q How much? A 110 Acres

Q What front? — What  
 is the width of your fronting  
 on the American river?

A It is a little short of  
 70 rods

Q Just state who the proprie-  
 tor is next above you on the  
 river? A Mr Day

Q Who next below you?  
 A Mr Smell



Who next below Mr Lowell?  
 A Mrs Keller - Harmon Keller.

Who next below Keller?  
 A Mr Murray

Q The ranch formerly be-  
 longed to Walter Murray?  
 A Yes.

Who next below Walter  
 Murray? A Mrs Bowles.

Who next below Mrs  
 Bowles? A Mr Rooney

Q That brings you to the  
 ranch of John Rooney?  
 A Yes sir.

Q How long have you  
 been acquainted with that  
 tract of land upon which  
 you now reside and which  
 you say you own?

A Since 1850

Q Have you lived on the  
 American river since 1850?

A Yes sir since that  
 period

Q When did you become  
 the owner of the piece of  
 land you now occupy?

A 1863



State whether there has been any deposit of sediment in the river upon your land and if so state when it was deposited there? And the extent and depth of it?

A the flood of 1862 the 10<sup>th</sup> of January left a deposit on 8 acres of my land I think that will average about 3 feet of pure sediment nature

State whether you have cultivated that 8 acres since? A yes sir I have

State how soon after it was deposited there you commenced cultivating it?

able next year right away

And state whether you have cultivated it continuously ever since? A every year since

State what the character of that 8 acres is with regard to productiveness? A I put it in corn for 2



years after the flood of 1862  
and raised a splendid  
crop of corn on it, on this  
3 acre piece as good as  
ever grown in this State  
After that I put it in alfalfa  
and kept in that till ~~last~~  
year, it produced a crop  
every year

Q What kind of crop? A A  
crop of alfalfa at Stayfield,  
which I cut three or four  
times during the year,  
sometimes 4 and sometimes  
3

Q State what you recently  
cultivated it to?

A The last crop I had in  
it was a crop of melons  
that was last summer

Q State how it produced  
in regard to that? A It  
produced well, as good  
as I have ever seen - the  
best I ever had in the place

Q State how the bank of the  
river is on your land about  
its present elevation above



the river at low water, about  
how high is it above low water?  
Ordinary low water in the  
summer. A how high it  
is now.

O yes sir. A how at this  
present time

Q at this present time  
and as it is during low  
water in the summer season

A well it was low water.  
It is apparently as low there  
as it is at any other place

O well I am speaking  
about how many feet high is  
the bank above the water.

A oh now I understand you.  
well I think it will average  
10 feet, all on the front of  
my place from the lowest  
water mark, I think it  
will average 10 feet prob-  
ably more.

O what how high the  
American river rose during  
this recent rain at your  
place? How high did the  
river rise? A I think about



3 feet

Q It has it fallen?

A Yes sir; it is down now

Q How near is it down to the low water in the summer how much has it fallen, you say it raised 3 feet; how much has it fallen?

A I think 2 feet more would bring it to about its proper summer gauge — about 2 feet more

Q You say it raised 3 feet; how much has it fallen back? A Well it has fallen back probably 2 feet

Q State whether there are sand bars in the river there in front of your place. A Yes sir

Q State what effect this recent raising of the river had upon those sand bars if any? A I cannot see any at all. They just lay just the same as they did before the river raised



They did not appear to be removed, the water appears to have its same course as between the rain because it was not ever enough to move those bars. It appeared to be just the same.

Obstate what you know in regard to the race known as Capt. Suller's Mill race;

whether that passes on your land and where it passes?

Ayes sir it passes right on the front of my place but there is a portion of it the flood of 1862 has taken away.

Q You mean the front of the river? Ayes sir.

Mr Hunt What is that race you speak of?

Mr Catlin The canal for the purpose of supplying the mill down at Brighton?

A The mill race.

Obstate whether you saw that canal in early days when you were living there?



Ayes sir I saw it from the very first place where it started to the place where it emptied into the river again

Q And it passed across your land right on the bank of the river? A Right along the front of the place next to the river but there were  $2/3$  of it the flood of 1862 has taken away, caved it off.

Q It caved it off? A Yes

Q Does the other third remain there in your place?

Ayes sir

Q Well now describe its general size and appearance. Well it is a low hollow, a person would look at it -

Q State whether you can see where the material was thrown out of it? A You can see plainly where the material is thrown out and a person would consider that the way it had been done by the hands of man at some time or other, a high bank



thrown out right on the front  
of my place and there re-  
mained so and has never  
been washed away, the  
highest flood has never  
covered the most part of it

Mr. Hens Q Had  $\frac{2}{3}$  of the race  
been washed away?

A Two thirds of it had  
gone but the third is thrown  
in the inside and that  
remains right there and has  
never been removed

Mr. Catlin Q That that is  
washed away is where?

A Next to the river, the  
race  $\frac{2}{3}$  of it is gone, the  
main channel has

Q Describe how that has  
gone; whether it is by eating  
into the bank on the near  
side? A Yes sir I consider  
that the way that it went  
Q The whole bank is washed  
away there? A Yes sir

Q You say you knew that  
race its whole distance  
from the end to where it



has been discharged in the river.  
Just describe where it has  
been discharged back into the  
river, at what point?

A Its starting point was at  
Mr Patterson's place that  
used to be called the American  
fork house on the American  
river about  $1\frac{1}{4}$  miles above  
my place. That's where it  
started and where it came  
to the river again, where  
it intersected the river  
again was at Brighton  
on the land now owned  
by John Rooney, it used  
to be called the Buck  
Whitesides farm. That is  
where it intersected the  
river again, followed the  
river bank about 3 rods  
from the main water line  
until it got to the line between  
my place and Snell's  
Then it bore off angling to the  
left. Just at that line it  
bears off angling to the left  
and takes a curve of  $2\frac{1}{2}$



miles and then comes back to the river. That is the lay of the Sutter Mill race.

Q State what the formation in the soil is underlying you there upon the river bay at a depth of 12 or 15 feet what is it? What kind of material? A At 12 feet you strike cobbles and gray sand.

Q How big cobbles as well as big as your two fists.

Q What depth is there of cobbles and gray sand?

A Well I think about 3 feet as near as I could judge by the well dug there.

Q State where you dug your first well; you became the owner in 1863 of the land there. How far back from the river was it where you dug your well if you don't dig me?

A One half a mile



Q One half mile back from the river? A Yes sir.

Q State about how deep you had to dig that well to get to water? A It was 12 feet we struck water.

Q What did you find at 12 feet down? A I struck cobbles and gray sand there, right where I dug my first well in the place.

Q A half a mile from the river? Now when did you first get water? Describe where the water came from.

A As soon as I struck the cobble rock I found water right under them, about the first or second one I turned over I found water right under it.

Q Now state what you struck just before you came to the cobbles?

A It a stratum of gray sand, very hard.

Q A stratum of hard gray sand? A Yes sir.

Q Did that lay on top of the cobbles? A Yes sir just



above the cobbles

Q Well state how large the largest of those cobbles were?

A Oh I took them out from the size of that to as big again [referring]

Q As big again as that?

A Yes sir as big as three of 'em

Q Now state whether you dug another well — whether you dug another recently or at any time since 1862?

A Yes sir I have dug three since the Fall of 1863, three wells on the place

Q Where are they situated?

A There is one of them situated half way from the river to my house, that is a quarter of mile south way from my house —

Q How far? About a quarter of a mile from the river and a quarter of mile from your house? A Yes sir

Q State how deep that well was? A It appeared to be just about the same distance



I struck water in just about 12 feet

Q Did you strike the same formation there? A The same formation

Q Well state where the other two were? A The other one is next to the river and the last one I dug a year ago last February

Q About how far from the river bank? A I think it is about 20 rods

Q Well state how deep you went there and whether you found the same formation?

A I struck water there just exactly 12 feet. I measured it when I struck it, 12 feet when I saw the first water

Q Well what did you find at the bottom of that well?

A I found there gray sand very coarse gray sand and cobbles and gravel right in the bottom of that well

Q The wells that you dug recently or within late years,



compared with the one you dug in 1862, state whether you found any difference in the water level? A I did not, it appeared to be just the same depth, about the same depth.

Q State whether the overflows in the American river have injured you or not? A I cannot say that it has injured me to the amount of five cents.

Q State whether there is any deposit upon your land except on this 8 acres, the deep deposit you spoke of, whether there is any other deposit on there?

A There was a little thin deposit but nothing to speak of, nothing on any of the balance of my land but this acre lot, nothing but what I could plow right through to the black soil. It did leave a little plumb, a little thin coat of plumb



but I considered it a mere nothing

Q State whether that was injurious or not?

A I did not think it was injurious at all

Q You became the owner in 1863, but I will ask you if you had ever worked upon and cultivated it before that time. A Yes sir I have worked on the land before that time, before 1863

Q How far back? A I have worked on it in 1862

Q Well, did you work on it any in 1852. I worked on it all the time from 1852 up till the time I came to be the owner of it in 1863 and knew it every day and had been over it every day.

Q Now you were acquainted with the river there at an early day, you know it now? Now about what depth is the river filled up there in



front of your place as near as you can judge from present knowledge and your former observation of it? Well I have thought over it and looked at it and thought back until the time I first saw it, I made up my mind it must have filled up in the neighborhood of 12 feet of sand

Q Now state whether the river is wider or narrower than it was in its old day?

A It is a good deal wider. It is one third or more than one third — I believe it is more than one third wider than it was when I first became acquainted with it

Q The water way? A Yes, the main channel of the water where the water has its way. I think it one third wider. I am well satisfied that it is

Q Now take what you would call the carrying capacity



of the water now as compared with it as it was in 1850, state your judgment as to that?

Mr Hart We object to that until the witness is shown to be an expert

Mr Boutin I have shown him to be an expert. He has lived there 28 years, has observed the flow of the water where it went in former days and where it goes now and I have asked him to compare its carrying capacity

The Court Ask the relative size of the channel and that will probably abate all discussion

Mr Boutin & Taking your observations and knowledge of the river during the last 10 years say, or from 1862 up to the present time and compare that with its capacity for carrying water before that time in the years from 1852 to 1862, compare them together and state whether or not the



carrying capacity of the river is greater or less than it was

Mr Hart I think that is testimony that requires an expert that is a conclusion. He may testify to its depth and width but the operation of water is a matter that requires a man who is technically fitted to determine it. More depends upon the depth than upon the width of the stream

The Court Ask him what he has seen. Whether it overflows and what effect the same amount of water would have in it and so forth

< Question repeated >

The Court Ask him if he has noticed the effect of the flood

Mr Loathin I will ask it in that way

Q Does your land overflow to any greater extent in late



years than it did in former years? And sir it overflows just by one process and that is when the American river gets very full and overflows below and backs up. When we are overflowed where I live it is by the back water flood and no other way we never had been overflowed in any other way, it runs over below and backs up onto where I live. It don't run over above and come down but it comes over below and backs up; that is the way we are overflowed there and when the Sacramento is very full and this river comes to be very full at the same time then it comes more rapid, the Sacramento being down we do not catch any of it at all. This river runs off

Obwell I will ask you if you have ever been overflowed, has that back water



Come over you at any time  
since 1862 as much as it  
did in January in the  
flood of 1862? Ayes sir

Q When? A New Year's  
day in 1868 I consider was  
the biggest flood that ever I  
have seen there or that ever I  
knew of - New Year's day  
1868 I consider was the  
highest water I have ever  
experienced there. I have  
deffered with some in it. They  
said there was more in 1862  
but I could not look at it  
in that light

Q To what extent did it  
come over your land in 1862?

A In 1862 it came all  
over what is termed the  
first shelf from the river,  
the first shelf from the river  
would be about a quarter  
of a mile from the river bank  
is what we call the first shelf

Q Was that from back  
water? Ayes sir that comes  
from the back water.



Q And came in the same way in 1868? A Yes sir in the same way

Q Did it cover more land in 1868 than it did in 1862

A Yes I contend it did, more in 1868 than 1862

Q What difference was there in the depth of water in inches - give your best judgment of what in inches would be the difference - You say you think it was a little higher in 1868 than in 1862

A I think it was all of 2 feet higher New Years day 1868 than I have ever seen it; that is my experience of it

### Cross Examination of Eli Wells

Mr Hart Q You say your land was overflowed more in 1868 than 1862?

A I think it was sir, yes  
Q You could easily judge



of that by the amount of land that it covered could you not?

Atwell in 1862 I was not on the back part of my place as I was in 1868. I was living then on the front of the river.

Oh well you could tell very well how much higher it was.

Ayes sir, but from the water marks that I saw I formed the opinion that the flood of 1868 was the highest flood that I have ever seen on that river, New Year's day 1868.

Oh were there any land marks there from which you could determine the height of the flood? Ayes sir I could raise it on the trees and on the fence.

Oh you took your observation in that way? Ayes sir.

Oh you say it was at least 2 feet higher? Ayes sir 2 feet there.

Oh where did the water



Come from that covered you  
 a It came from below  
 and backed up

Q It backs up slowly?

Answer ~~the~~ it floods us  
 yes sir and it also comes  
 from above. Now it works  
 just this way; it ran over  
 below and it starts to backing  
 up and then it meets  
 right on the line betwixt my  
 ranch and Mr. Day's. The  
 two channels come together  
 just in that shape <illustrating>  
 It meets right on the line  
 betwixt my ranch and his,  
 I have stood there and watched  
 the two channels come together  
 three times but it ran over  
 below first and it has backed  
 up within 4 or 5 rods of the  
 line betwixt my ranch and  
 Mr. Day's. Then by the time  
 that is done it starts to run  
 over above at the old Patter  
 Pen place at the American  
 fork house, there it comes  
 down on the first shelf and



the two come together right  
on the line between me and  
Day. That is the way it works  
that is why we are flooded  
there

Q Now when was it in 1868  
that you saw it come down  
that way? A New Year's  
day 1868 all the land that  
I owned nearly on the rail  
road was under water except  
15 acres

Q Now what I want to get at  
is this; did you see the  
meeting of the waters in 1868

A I did. I stood and  
saw it come together

Q Did you ever see that  
meeting of the waters except  
in 1868? A Yes sir

Q Between you and Mr Day  
A Yes sir

Q When was it? A In 1862

Q Where did the waters  
come from in 1862?

A The same way that  
they did in 1868

Q Not so much; how much?



Q It was not so big. What first brought us to look at that was the first flood came in the night; the first flood I ever had came in the night and the fence between me and Mr. Powell was carried up into the middle of my place; and the wonder was how it ~~got~~ there.

A Well we came to the conclusion that it was water from below that brought it up and the next time it came in daylight and we watched it and seen the workings of it.

Q Did the water run with considerable force over your land in 1868? A Swift current? A It ran with considerable force in two places, that is in two sloughs, two low sloughs that run through my place. It runs tolerably swift but nothing extraordinary.

Q I mean the average



waters not the sloughs, the waters that run over the land that is the level high land.

Q Well now when it is backing up on a big rise it will keep you on a common good walk to keep up with it just a common lazy walk

Q After it goes over your place and meets with the water? A Then the two come together

Q Which way does it run then?

A It runs down stream then. The back water goes away then and the force above drives everything before it

Q Does it go fast then? A It does in the sloughs

Q But over the land generally? A No sir not very fast. In all those places there are eddies and you look at it and you think it is perfectly still but there are two places there where it runs with considerable force

Q But on the land generally it would not run half an inch an hour? A No sir I think not.



Q. When did the water run with the greatest force over your land in 1862 or 1863?

A. Well, I could not say which way.

Q. You did not compare the velocity of the water?

A. No sir, I could not say whether it ran any faster on your land than another.

Q. Now you say that in the flood of 1862 you had some dead sediment come on your land, where did that come on, what part of your land?

A. It came on about 25 rods from the river, ~~between~~ the river bank and the first shelf.

Q. How large a piece of land do you say it covered?

A. Eight acres.

Q. Which way did the water run there?

A. It did not run very much there where that filled because if it had run, it would have carried it off. It was still there



that was betwixt these two  
 slugs and it being still that  
 caused it to settle. It was  
~~when~~ ~~the~~ ~~water~~ ~~perhaps~~ ~~what~~ ~~caused~~  
 water. Perhaps what caused  
 it to settle, the place where  
 water ran it did not settle  
 any because it carried it away  
 to some other point.

Q Do you know when that  
 soil came from? A No, I  
 do not.

Q It was just like the nat-  
 ural soil there was it?

A No, it was not like the  
 natural soil.

Q What was it? A It  
 was a kind of dark loam -  
 dark black loam?

Q That is like the natural  
 soil is it not along the river?

A Well, it is very dark,  
 what we call dark dirt.

Q Well, that comes from some  
 place above? A The dark

dirt is the old soil on all  
 that river land there, very  
 dark black dirt.



I Well, that is the kind  
that came on your land?

A Well, yes rather of that  
nature but not exactly the  
nature of the old soil

I Not exactly the nature of  
the old soil on your place but  
it might be exactly the nature  
of the soil on Mr. Days place  
or some place above that?

A No sir, I do not consider  
it so, because all the soil  
there is just the same nature,  
it is just the same thing all  
that I have ever seen

I Clean up stream?

A Yes sir, as far as I  
have been

I Have you ever taken up the  
dirt in your hand, and looked  
at it? A I have dug  
down in it, and dug well

I That is in your own soil,  
but I mean any of the rest,  
the soil of any of the neigh-  
bors? A No sir, not  
since the flood.

I Did you before?



A Noen

Q. Neither since nor before?

A Noen, I have plowed the land and seen the color of it and it is all about the same that ever I have worked in.

Q When was it - That way in 1868 you say that the Shum or Shaking came??

A In 1862

Q That the Shum came on your place? A That is the Set-things came in the eight acres.

Q But you said another time there was another Shum deposit of Shum, when was that?

A Well, it might have been a little of it left there in 1862

Q Well, I know, but when did you notice this very Shum deposit of Shum? A Well, I noticed it right away after the flood of 1862, a thin ~~Shum~~ skin

Q. I took your language, you said, that since 1862 the water



has left there a Shum deposit  
of Shum upon ~~your~~ land which  
demanded a mere nothing?

A Yes sir

Q That is what you said,  
now when did that thin Shum  
come on that came on since  
1862?

A It came on  
there in 1862, because that  
was the first flood we ever  
had 1861 and 1862

Q I am referring to that part  
which you said came on  
since 1862, a very thin Shum?

A I do not know as I state  
when the Shum came on

Q How thick is that Shum  
that you speak of?

A Oh, it might be an inch,  
it might have varied an inch  
over 20 acres.

Q Did you ever have on any  
of your land 15 or 16 acres of  
sand - 10 or 16 feet of sand,  
in any portion of your piece?

A No sir

Q You have not got any of  
that sand? A No sir



Q What does this thing look like that you speak of?

A Well, when it is wet, it looks just like thin mud, and when it is dry it looks a little of a sandish nature.

Q It looks like sediment?

A Yes, sediment and sand and mica

Q Such stuff as comes down from the river? A Yes sir, such stuff as you will see come down the river

Q Well, an inch thick of that would not be very likely to injure the soil, would it?

A No sir, I would not think it would hurt it at all, because I would turn it right under with the plow

Q And therefore it does not hurt you at all? A No sir

Q Do you pursue any other occupation except farming?

A No sir

Q You have no property except farming property? A No sir

Q When did you notice this



filling in of the river of 12 feet.

A I noticed it from the 9<sup>th</sup> day of December 1861 up until the present day - Every flood that we ever had since then

Q It is constantly filling up is it not? a year in

Q Every year more and more?

A More and more every year

Q How much do you notice that it is filling up each year?

A Well, I need not tell what it filled up at each year, it would be hard for me to do that -

Q It is a constant gradual filling up of the river though?

A Yes sir, it might have filled up some year 2 or 3 feet or it might 3 or 4 feet. It would be hard for a man to give that. He would have to be more of an expert than I am

Q You have noticed have you not during extremely high floods when water rushed high there it washed out the sand and builds up again, haven't you?



A. I noticed the bar, that is on the river at low water, then there comes a flood and washes them away, and when low water comes again it will form a another situation, but they only washed out and other sand came in their place.

2. They washed this sand down the stream and other sand comes down from above and takes its place? A. Yes, fills the same place again.

I And that is constantly going on every year when we have an extraordinary flood? A. Yes in at times of high water, it takes very high water to remove them too.

2. Well, when the water is high enough to remove them, they go? A. Yes sir.

I How long have you been observing the operation of the water in the sands there at your place? A. Ever since 1861, the first flood we ever,

the 9<sup>th</sup> day of December, 1861



Q How far did you say your place was above the City of Sacramento? A 8 miles

Q That is 8 miles by the river,

A Yes sir.

Q Do you know how far it is by the river?

A No sir I do not, a little further by the river.

Q When you went to your place in 1862 or before that time, what was the nature of the bed of the river opposite your place, it was gravelly bottom was it not? A In 1862?

Q Yes sir? A Yes sir it was a gravelly bottom.

Q A clear stream comparative-ly? A Yes sir, it was a gravelly bottom.

Q And clear, pretty water was it not? A Yes sir when I first saw it, it was clear as spring water.

Q High bluff bank?

A Yes sir, the banks were high in some places and in some places there were low



2. Was it narrow or wide at that time between the bluff banks? A Well, it was narrow, what we call a narrow channel, & was not very wide.

2. Between the high banks you mean, the bluff banks?

A Yes sir, the bluff bank near there sometimes was on one side and some time on the other. Now opposite to my place ~~land~~ for a mile above opposite side where I live it is perfectly flat, no bank at all, perfectly flat or this room. Then below that a half a mile further there is a high bank right on the same side.

2 It is a sand bar from the bank of the river out, so far as you know?

A. It is brush and willows and bars, sand and gravel.

2 Were there any willows there when you first went there? A Yes sir, all along the river



Q. Any large trees?

A. Yes sir, all along the river.

Q. Were there any large trees?

A. Yes sir, very large oaks

Q. Are they there now?

A. Some of them are, and some are not

Q. Most of them have been destroyed?

A. Most of them went away in the floods of 1861-2

Q. How many since that time?

A. Not so many since 1861-2 as did go in 1862

Q. Didn't you notice the water in 1862, what kind of water it was?

A. I did, I was right there right in the bank during the whole race, and watched it every hour from the time it commenced rising till it went down

Q. What kind of water, was it?

A. Muddy water

Q. Yellow, shaggy? A. Yes sir

Q. Sandy? A. Yes sir

Q. Was the <sup>color</sup> ~~character~~ of the water



any thing like the color of the natural soil then?

A It was not, ~~no~~ <sup>no</sup> ~~so~~ <sup>so</sup> ~~that~~ <sup>that</sup>.  
 Q2. Did you ever see any soil that bore the color of the water at that time, did you ever see any soil that bore the color of the water that was in the river at that time?

A Well, I have seen pretty near but - I don't think so - as yellow.

Q2. Up the stream, up above?

A Not in this Country, I have never seen it. I have seen yellow soil, but not in this State.

Q2. If I understand you, how wide are the sand bars there at your place? A They are different sized.

Q2. Well, opposite your place?

A I need not tell how wide they are I never measured <sup>any of</sup> them.

Q2. The place through which the river runs, is a sand place or a sand bottom is it there?



A Wall, there is sand all under the water from one bank to the other.

2 The sand is on both sides isn't it? A Wall, not so much as there is under the water. The most of the sand is in the water.

2 If I understood you correctly though until it is level on both sides of you? A. No sir.

2 There was no bank then at all.

A No. It is not level, there never were any banks there at all, it was always level.

2 What held the river in?

A Wall, it overflowed the land opposite to where I lived whenever there was any rise it would run over. There never was any bank there to my knowledge, I never saw any, any more that a level.

2 How far up the river - how far up and down the river would you say the bank was in that condition? A It is about

I think 4 miles there, that



There is no bank right along the river any more than it is almost a level for 4 miles.

How much is the bank above the water? A From where the Morris old Indian ranch used to be up to Ritchie's

2. How far above the level of low water is the bank on the opposite side?

A A very little

2 How much? A I do not climb over a foot or two it is a kind of basin, a kind of gradual raise from low water up to the bank. It is not an abrupt bank, but it is a gradual raise, and it did not take but little to overflow all the country opposite to where I live.

2. It ran over into the tule basin? A. It is all overflowed when we think we don't have any raise at all they are all under water there

2 There is a tule basin over there is there not?



A Noan, there is not tule  
 basin about it. There is an  
 alfalfa field over there of  
 about 1500 or 2000 acres of  
 alfalfa right opposite to where  
 I live, and low sloughs with  
 brush and willows, that's what  
 it is.

I Now how far does the water run  
 over the country there on the  
 opposite side? A well,  
 from low water mark, to what  
 we call the bluffs, the high  
 land, it is over half a mile.

I And that then is the bank  
 of the stream really is it  
 not, the bluff on the other  
 side? A. Well, it would  
 not be called the bank of the  
 river, a man would not  
 call it the bank of the river  
 because it is too far away.

I Now about this river, you  
 say it is widened out, much  
 wider than it used to be?

A I consider it is

I But not so deep?

A Not so deep, it is considerably



more than one third wider now than it was when I first became acquainted with it

Q How deep is the river there?

A Oh, I think the bank along opposite where I am as far as I am acquainted with it, I have noticed it since the flood, I think it will average 10 feet may be more

Q But the river, how deep is the river? A. You mean how deep is the water?

Q Must how deep is the water at low water?

A Well, you can not get across with a boat & caudly at some places

Q You could pretty near wade it with low shoes?

A You can wade it, in some places it is pretty near 3 feet some places it might be not more than  $1\frac{1}{2}$  feet.

Q That is the general depth?

A This is at low water. The

Q That would be the average depth,  $1\frac{1}{2}$  feet? A Yes sir



I you say the bank though  
where the river runs there  
is about a foot higher than that.

A No, I did not say that.

I On the opposite side?

A Yes sir, I say it is sloping  
down, a gradual slope

I So that it make a broad and  
very shallow stream?

A Yes sir, that is what it is

I Now you say that you can  
not see that the flood of the  
American river ever injured  
you at all? A I can not

I There is a very good reason  
for that, is there not?

A Well, I do not know about that

I The water don't run over  
your place from the river, it  
simply backs up?

A Yes sir

I And only in extreme high  
water? A Yes sir

I And generally when they have  
high water there, it runs right  
over into the other place a -  
crop where there are no banks

A Yes sir



2. And that is a perfect protection to you unless they fill the banks level full with sand, is it not?

A Well, I do not think it will ever fill them

I That is not the question. I say that is a protection to you until they do that -  
A I consider it is, yes sir

Re direct Examination  
Alfred Wells.

Mr. Catlin I will ask you whether you were flooded in this last flood of 1881, about a year ago, did that come over your land? A It backed up, the slough did, it just did meet the water from above and from below, as I explained to him about them coming together I just did come together and that was all.

2. You saw it three times coming that way, in 1862,



1878 and 1880? A. Once in 1862 once in 1868 and this last counter the rise in the river it just connected the water that over flowed the banks and the back water from below, just came together, there was about 2 rods wide there, a slough in my place, on the first shelf from the river about 2 rods wide

2 There was not so big a volume of water coming down?

A Now, there was just about half as wide as this room and in two hours it was gone after it commenced falling, in two hours it was all off.

2 How long did it stand on the land there in 1861-2 at the time of the flood?

A Well, it was rather slower going off, because we had a terrible dry, wet, continued storm, and two floods in pretty near one month and it was pretty slow going off

2 I wish you would state



to what effect would floods, or dinarily wash those ~~bars~~ down deep they washed them down, how much an ordinary winter flood effects those depths in the river there, whether they pass over them or not - whether the water passes over ~~them~~. Well, I noticed after a flood such a one as it was last year, I noticed at the last raise in the river that it was up level with its bank, I noticed that when it goes down, that it apparently has washed down, apparently on a level, you can not see any high bars or any bars running this way or that way, it appears to be all gone down on a kind of level.

2. I am speaking of a depth of 12 feet depth. You say the channel is filled up 12 feet after a rise.

2. What effect has the water on the depth, that 12 foot



Deposit in the bottom of the river, does it carry that out or not? A It appears to me that it does carry a good deal of it out. It appears that it does but what amount or what depth I could not say, but it appears to me that it removes a good deal of it and appears to take it out but what amount I could not give any figures on, but it appears to level it down and level it out.

2. It levels the bar down?  
 After sui, and then through the melting of the snow it appears to form these bars again

---



# Testimony of W. H. White

Called for defendant sworn

Mr. Byrne When do you live?

A. Fred Run

Q. How long have you lived there? A. I have lived there the principal part of the time since 1852 - the fall of 1852.

Q. When did you first come to California? A. In 1850

Q. What is your business?

A. Mining

Q. In what business have you been engaged since you came to this State?

A. Mining principally

Q. All the time?

A. The principal part of my time

Q. Where did you first engage in mining in this State?

A. The first mining I did was on Big Bar on the



Middle Fork of the American River

Q When? A In the fall of 1850

Q Where is Big Bar in reference to Rice's Bridge and Ricken's Bar?

A Big Bar is on the Middle Fork of the American River

Q I thought you said the North Fork? A No sir, I said the Middle Fork

Q Did you ever work on the North Fork of the American River, and if so, when?

A Yes sir, I worked on the North Fork of the American River in 1853

Q Where, at what point?

A Parker's Bar.

Q Describe to the Court where Parker's Bar is?

A Well it is about half way between Ford's Bar and Ricken's Bar.

Q How far below the mouth of Canon Creek?

A I should think a couple of miles



2 To what extent are you acquainted with the North Fork of the American River between Rices Bridge and Rock-  
Creek Bar? A Well, I have been up and down a good many times, I have up and down the river there a good many times.

I have many times?

A Well, I need not tell you how many times.

I have many times a year usually? A There might be some years I have not been up and down at all.

2 Has there been years since between 1853 and 1876 that you have not been up and down that River?

A Yes, I think there was. I well, state what year if you remember. I've no some idea how often you have been up and down that river and what your knowledge of it is?

A. In 1869 I was in the



State I was not in the Country

2 Omitting that year is there any other in which you have not been on that river

A In 1856, I was not on the river I was in Nevada

2. How often during the years other than those 2 which you have mentioned have you been up and down the river, I do not want the exact number of times, but I want you to inform the Court of your means of knowledge of the condition of that river from 1853 to 1876 and up to the present time

A I have been across it in different places, I do not know, there might have been some years that I have not been up and down it all the way, I have been across at different places most every year

2. Are you well acquainted with it from Rice's bridge to the mouth of Cain Creek



A Ya.

Q What was the condition of that river in 1853 when you first saw it as to the bottom of the stream, the width of the channel and so forth, I want you to give The Court a description of the river as it was at that time when you saw it?

A Well, the bottom of it was heavy rocks, gravel you know filled in except here and there a hole there would be hollowed out.

Q About what was the average width of the channel from bank to bank from near Bridge up to the mouth of Cann Creek?

A You mean in low water mark?

Q I mean the width of the channel, say from bank to bank, from one side of the river to the other side of the river?

A I should put it 80 feet.



2 Average width?  
a year or so

2 How frequently do these deep holes which you have mentioned occur, I mean within that section of the river? a There was quite a number of them along in different places.

2 What was their depth and general size and extent?

a Of some of them would be 10 or 12 feet deep perhaps 50 or 60 feet long up and down stream, I guess some of them longer than that may be 100.

2 Do you remember a hole that was near Birds Bar above Birds Bar? a Yes sir

2 How large was that?

a That hole must be 20 feet deep or over, I think it was 20 feet deep or over. I do not remember - that hole then at Birds Bar I think was 25 feet deep

2 Was there ever a boat



used on that, did you ever  
see a boat on it?

A Yes sir

I What kind of a boat?

A It was a Skiff

I Have you recently Exam-  
ined the condition of that river?

A Yes sir

I When? a Well, it was  
about the first of October last  
of the present year?

A Yes sir

I To what extent has that  
river been filled up as it now  
is, I mean the average filling  
in your judgment between  
now and in 1853 when you  
first saw it, how deep  
was the filling in this river  
the average depth after filling  
between Rice's Bridge and the  
head of Pickens' Bar?

A You want to know the  
average?

I Yes sir?

A Well, I  
think it would average 40 feet

I Did you see that river  
after the flood of 1875-6?



A Yes sir

Q What was its condition then as to filling? A. That flood swept it out pretty clean

Q Since 1875 or the beginning of 1876 what has been the average filling up of that river at the places I have mentioned? A You mean since 1875-6 don't you?

Q The time at which you say the river was swept out? Mr. Stapt. How much has been the average filling since that time?

Mr Byrne. Yes sir. I do not mean the average per annum but the average depth of material that has been deposited in that river since that time, what is now there? A Well, that is what I have already answered, haven't I?

Q Please answer it again? A Well, I should think it had filled up in an average of about



Q Since 1875 and 1876?

A Yes sir

Q What is the character of the 1875-6 in reference to high water and floods? A It was a pretty heavy flood

Q What is the character of the winter of 1880-1 in that respect? A. It was a pretty high flood, that was last winter, a year ago this winter, you mean

Q Yes sir? A. That was a high flood.

Q How did the two winters compare in that respect, which was the biggest flood, which the highest water?

A I do not believe there was much difference between the two they were pretty near the same

Q Did the flood of 1880 carry out these turtles which you have been describing?

A No sir. It did not.

Q Why? A I do not know why, they are there yet



2 They are there? Alas Sir

I wish you could describe  
to the Comt the condition of  
solidity and compactness  
as compared with the original  
deposits in the river which  
you mined upon in 1853?

A Well, they seem to be  
very near as solid as the  
gravel did then

2 The present deposit seems  
to be very near as solid as the  
original deposit, is that what  
you state? A Yes Sir, it  
has all that appearance to  
me

2 In your judgment can these  
tongues and this material in  
the river there be moved by  
any future floods or freshets

Mr. Stuart. I object to that  
unless this witness is shown  
to be an expert.

A I do not know.  
Mr. Byrne Have you any  
opinion on the subject?

Mr. Stuart. I object to his  
opinion unless his opinion



is shown to be worth something  
Mr Byrne. A man who has  
 personal observation extending  
 over such a period as does this  
 witness and who has seen the  
 river every year since 1853  
 to the present time, and has  
 observed the operations of the  
 various seasons and the floods  
 upon the material there, it  
 seems to me is the proper per-  
 son to express an opinion on  
 that subject.

The Court. I do not know that  
 he has any special knowledge,  
 I believe that is the test.

Mr Byrne. It appears to me  
 that experience and observation  
 give a special knowledge

upon a subject of that kind.  
Mr Hart. The witness has  
 answered that he does not know  
Mr Byrne. I ask him if  
 he has any opinion on the  
 subject from his knowledge  
 and observation.

Mr Hart. I shall object  
 to that opinion unless he



is shown to be an expert. He can answer as to whether he has an opinion, but as to what that opinion is I shall object to it.

The Court: I do not think I will take the testimony.

Mr Byrne How deep are the tailings at Fords Bar in the North Fork of the American river? A I should judge them to be 50 feet.

2. Now as to the river all the way down say from Reckering Bar to Stevens bridge?

A Well, it is filled up in some places.

I Give in the depth as near as you can? A From Fords Bar to Stevens bridge do you mean? Or from the head of Reckering Bar to Stevens bridge?

I Take from the head of Reckering Bar to Stevens bridge but particularly between Fords Bar and Stevens bridge.

A Well, I should think



They would average from Ford's  
Run to Stevens bridge, 50 feet  
2 What is the distance about?  
How many miles?

A well, 4 miles I should think  
2 Describe to the Comt the  
Character of the material that  
is in the river there?

A Well, cobble stones, rocks  
and sand

2. How large are the largest  
of the stones that you ob-  
served there? A. I have  
noticed stones lying in there  
as big as that chunk of ce-  
ment there (No 1), some  
of them might have bigger  
and from that down to much  
stuff as that (referring).  
Notice in going down the  
river that the coarsest  
stuff was most all where  
there would be some one taking  
in, it came out of the hills  
from above, down into the  
river, and as you would get  
down away from there it seemed  
to get lighter and finer



Q The further you go down the river the lighter you would find the material each year?  
 A Yes sir.

Q What do you say was the average width of the top of that river above the present bed of the river?  
 A I put it 100 feet.

Q That would be the average?  
 A Yes sir.

Q Between River bridge and the north of Canon Creek?  
 A Yes sir, in my judgment.

Q Do you remember a house which once stood on Forts Bar owned by Edward Hamlin?  
 A Yes sir.

Q Is that house there now?  
 A No sir.

Q How high did it stand above the river when you first saw it? A That house was all of 60 feet above the water.

Q Above the surface of the water as it was at what time? A I mean at low



water in the Summer Season  
 Q In what year?

A In 1854, 1855, 1856

Q With reference to the formation of that house where are the tailings now?

A They tailings are running over it, running where the house stood, the tailings run right there

Q I have you any other land mark or do you know of any upon that river upon which you base your recollection as to the former condition and your knowledge of the present condition of the river with reference to the filling of tailings? A Yes, I noticed another place we used to call High Bar, it is just below where the Jameson Ravine comes in from Sawatill. I think that that Bar was 40 feet above the water the top of it when I noticed it, and this fall when I was down there they tailings run all over the top of it now



There is no bar there now.

Q Is it completely covered up?  
A Yes sir.

Q Are there any other places that you have special knowledge of upon that river?

A Well, at Warner Bridge there used to be.

Q Describe to the Court?

A Well, it is filled up within a foot or so of where the timber or stringer was drilled through into the rock, bolted in down into the rock.

Q How high is that, or was that above the original surface of the river at low water?

A I should judge about

Q. Fifty feet?

A Yes sir.



2 Do you know the claim - the mining claim ~~the~~ called the Indiana Hill claim of the Gold Run Company? A - I do.

2 - When did you first know it?

A - I first knew that in the fall of 1852.

2 - How did you come to know it? State your knowledge of it what you know about it?

A - Well there was mines struck there - a good deal of that ground was located at that time. I located claims there.

2 - In what year?

A - The fall of 1852.

2 - When were mining operations first commenced there?

A - They commenced there the winter of 1852 and '3.

2 - Upon these particular claims or upon what now forms this claim?

A - Well, it was <sup>on that ground</sup> not. It commenced right - right on the brink of the hill and they had to work back.



2- Upon any part of what now forms that claim?

A- It was the outlet of the channel ~~was~~ where they started in to work first.

2- Is that now a part or is it not a part of what is known as the Indiana Hill claim?

A- Yes; I consider it is.

2- What has been your knowledge of that mining from that time until the present time? How much time have you worked upon that claim?

A- Well I have been working upon it a number of times.

2- State when?

A- Well I worked on - ~~in~~ the Indiana Hill through the winter - some, through the winter of 1852 and '3.

2- When next?

A- You are speaking about working on these ~~the~~ identical ground - this mine that belongs to the Company now -



the Gold Run Litch and Mining Company?

Q- Go on and state how long you worked on that or adjacent claims there? I want you to show to the Court your knowledge of that particular property:

Mr. Hart- I do not think it is material, how much he worked on other claims.

A- I have been working on it, more or less since then. I do not say every year, but a good deal since on that piece of ground.

Q- When did you first work upon the Indiana Hill claim, which now belongs to the Gold Run Company? About what time, if you don't know exactly?

A- I am trying to place the time. I don't believe I can.

Q- Did you ever work on it at all? A- Yes Sir

Q- Where?

Mr. Hart- That is just ex-



actly what he answered a moment ago.

A - I marked on that claim in 1865.

Q - The next?

A - I marked on it in '68.

Q - And again, if at all? where have you been working for the last six or eight years?

A - The principal part of my work had been done in the Bald Run. In this particular mine.

Q - In this particular mine?

A - Yes sir; except I was out in Colorado the last winter and when I came back I worked ~~in the~~<sup>at</sup> Iowa Hill.

Q - Do you know the condition of this claim as it originally was, when you first saw it in 1852? Describe to the Court what its condition at that time was, with reference to its appearance, and the character of the material of which it is composed or was



then compared?

A- Well it was light, rotten sandy material.

Q- Do you remember the time when the South Yuba Canal Company extended its ditch to the Gold Run district?

A- If I remember right, they brought that ditch in 1864.

Q- In 1864? A- Yes sir.

Q- Prior to that time how much of this - of the surface material of that claim had been worked away?

A- There had not been a great deal of it worked away.

Q- Very little, do I understand you?

A- There has been some of it washed off. I cannot tell you how much<sup>±</sup> there is - but they always have been limited -

Q- Much or little?

A- There had not been a great deal washed away.

Q- To what extent had that surface of that entire dis-



trict extending from Indiana  
Hill - a point below Indiana  
Hill up to the railroad as  
it now is, been washed  
away prior - I mean prior  
to 1865?

A - There was not but very  
little of it washed away.

Q - I speak a little louder?

A - There was not but very  
little of it washed away  
up to 1865.

Mr. Hart - That is that sub-  
-races the whole ridge?

Mr. Byrne - Yes Sir.

A - Washed off in the  
ravines or swags. They  
opened claims and started  
in, but you know they were  
limited in water - being in  
winter the season was short  
and they could not do a great  
deal.

Q - I mean on that extent  
of territory, from that mine  
up to the North end of Canyon  
Creek or in the territory of  
the North Fork of the American



River in the Gold Run district up to the Railroad? Is that what you understood?

A- I don't understand the question

(Reporter read question)

A- How much, that was washed away do you mean?

Q- Yes Sir, prior to 1865? Prior to the time that the South Yuba ditch was completed to Gold Run?

A- There was not a great deal washed away, I could not tell you.

Q- After the completion of that ditch State to the Court about what quantity of water was used in the Gold Run district, say for the next ten years?

Mr. Hart - If you know?

Mr. Byrne - If you know?

A- I do not believe I can tell you the exact amount. I will come as near it as I can though

Q- That is all I desire?



A- The South Muba Canal Company's ditch I believe carried three thousand inches.

Q- Well-

A- (Intg) What I have been told. I believe that is what we call now the Cedar Creek ditch- <sup>the</sup> ~~of~~ Bradley and Gardner's ditch here. I believe they worked three thousand inches in there. And what is called now the Gold Run ditch and Mining Co., at that time. Let me see in-

Q (Intg) 1865 is what we are talking about?

A- At that time they run only about 1500 through the ditch.

Q- That would be about seventy five hundred inches. I will ask you to what use that water was devoted, during those years?

A- Hydraulic use.

Q- Where?

A- All along from Indiana Hill



clear up -

2- {Lit'g} Was any of it used in any other place except in the Gold Run district?

A- Only in Gold Run district?

2- Was all that water used in the Gold Run district?

A- Yes sir.

2- What was the custom or general usage of miners there as to working night and day?

A- They worked night and day.

2- How many claims about, where worked during that period?

A- From Indiana Hill to the railroad do you mean?

2- In that district? there just about embraces it?

A- Well I should think twenty five or thirty of them.

2- Do you know about what the usual head or quantity of ~~it~~ water to each claim was?

A- Running from two hundred and fifty inches



to five hundred.

Q- Do you know about the grade of the sluices or flumes?

A- Well they are graded - running from nine inches to a foot in twelve feet. Nine inches to twelve inches in twelve feet.

Q- Do you know the present grade or the grade of the present flume that the Gold Run have in the deep channel tunnel?

A- In the deep tunnel?

Q- Yes sir, What is that?

A- Six inches.

Q- You now mean six inches in twelve feet?

A- That is the grade. I helped put it in.

Q- State what comparative amount of material was washed prior to 1875 of the top material I mean, and that which can now be washed from the bottom strata, taking into consider-



than the differences in grades!

A - Do you mean how much faster you could wash that?

2 - Yes sir?

A - How much faster you could wash it away, than you could the blue ridge - this kind of material here (indicated)

2 - Yes sir?

A - You can wash it away four or five times as fast.

2 - Did they in fact do so - do they in fact wash away four or five times as much?

A - Yes sir

2 - I want you to describe Mr. Heart - <sup>as</sup> five times as much of an miners inch?

The Witness - That is, you mean the same head of water I suppose?

Mr. Byrne - The same quantity of water?

Mr. Heart - I suppose you mean as run then and as run now. With the water then had and the water



now being used?

Mr. Byrne - I intended to say with the same quantity of water?

Mr. Hart - They have now and had then?

The Witness - That is what I understood.

Mr. Byrne - Taking say a thousand inches <sup>now</sup> and a thousand inches then, how much more did they wash of the upper material, they then washed, with the differences in grade, than can be washed now with the lower material and lower grades?

A - Four or five times.

Q - With the same quantity of water?

A - Yes Sir

Q - Describe to the Court the character of this bottom bench?

A - This bottom blue lead that is now worked out?

Q - Yes Sir

A - It is very coarse, hard,



gravel cement.

Q- How large boulders have you ever seen there?

A- Seen boulders there ten or twelve feet through.

Q- Of what material are they composed?

A- They are composed of a black slate - what I call a black slate rock.

Q- Hard or soft? A- Hard.

Q- What is done with them? What process is necessary to dispose of them?

A- They blast them up or sledge them up, so they can run them through - run through the boxes and run off.

Q- In how large masses are they sent through the flume? A- Ah! I could not - you mean a big piece?

Q- Yes sir? A- I have seen them pass through there weighing two or three hundred pounds.



2- And where did they go to there?

A- Into Canon Creek.

2- Do they remain in Canon Creek?

A- No Sir, it they run out in to the American River - the North Fork of the American River.

2- Do you give to Mr. Uren any information in regard to ~~the~~ your knowledge of the original condition of that river - its width, its depth and general appearance as you first saw it?

A- We had a little talk - Mr. Uren and me did about the depth of the tailings and we agreed.

2- Did you state to him the same facts as you state here upon the stand as to the original <sup>condition</sup> ~~depth~~ of the river - depth, width, etc?

A- Yes Sir

2- Do you know what his estimate of the depth and quantity of the tailings



in the river, was?

Mr. Hart - I object to any more proof as to what Mr. Mre's estimate was. I do not think that it is competent.

Mr. Byrne - I desire to say one thing, we have up to the present moment, no response to our proposition, to the matter that was proposed the other day to admit, as reference to the general customs audit, and Mr. White is an old miner and has mined in many different sections of the State and in the event our friends on the other side decline to make the admission which we feel they should make it may be necessary to recall him, and I now ask the privilege to do so if it becomes necessary. my



# Cross Examination

## William H. White

Mr. Hart — Mr. White, you say you reside at Gold Run?

A — Yes Sir.

Q — In whose employ are you?

A — I have been employed since — you want to know who employed me last?

Q — In whose employ are you now?

A — When I came down here I was in Mr. Moody's employ.

Q — Mr. who?

A — Mr. Moody.

Q — Who is Mr. Moody?

A — He is a gentleman who lives in Gold Run. A miner who is carrying on mining.

Q — Where?

A — Canon Creek

Q — At the Indiana Hill mine?

A — No.

Q — Where?

A — Above the Indiana Hill mine.

Q — In whose employ were you about the middle of



October 1881?

A - In 1881?

Q - Yes, this year? A - I was in Mr. Moody's employ.

Q - When were you in the employ of the Indiana Nickel Mines?

A - I was not - not the first of October. I did not go to work until the middle.

Q - Now, did not work for Moody until about the middle, did you state? A - About the middle of October.

Q - When were you in the employ of the Gold Run Watch and Mining Company or Mr. Gauld, who represents that company?

A - I went to work for him in the latter part of August.

Q - How long have you worked for him - until the mine was stopped?

A - I went to work for him in May and quit the latter part of August, about



the middle of August.

2 - About the time the mine was stopped? A - Yester.

2 - How far is it from Rice's Bridge to Pickering's Bar?

A - From Rice's Bridge to Pickering's Bar?

2 - Yes Sir? A - I should think it was seven or eight miles.

2 - Can not you give the estimate - a closer estimate of it? Speak louder Mr. White so that we can hear you?

A - I should think - I should judge it was about seven miles and a half.

2 - Seven miles and a half?

A - Yester. I never measured it.

2 - Is the river between those two points, straight, or a winding and crooked river? A - It is winding.

I don't think there is over -

2 (Lutg) Through what kind of a gorge does it run?

A - Bed rock on both sides.



2- What was the nature of the banks on either side?

A- You mean -?

2 (2<sup>nd</sup>) I mean the banks of this gorge - the sides of the gorge?

A- Well it is bed rock - black slate rock.

2- What is the nature of the slopes from the bottom of the Cañon up? To the top of the mountain on either side?

A- Well I should think very near fortyfive degrees.

2- How far is it, at about that angle of fortyfive degrees how far up and down the river? Between those points?

A- You mean from Rice's Bridge up?

2- Yes sir?

A- How much of it would average that?

2- Yes sir?

A- Well I do not know. I am no surveyor. It is hard work for me to tell.

2- At how many points between those two places



Can you descend to the river  
from the mountain sides?

A- Between those two places?

Q- Yes sir? A- You could  
go down a good many of them

Q- How? A- You can go  
down a good many places, I  
do not know how many there  
are.

Q- At how many places have  
you descended to the river ~~between~~  
~~those~~ two points, from  
Lawa Hill or Cold Run  
or Leafax or any of those  
places along the river?

A- I can not tell you how  
many places.

Q- Is that river accessible  
at more than two points?

A- Ah, yes.

Q- By anything excepting a  
grizzly bear? A- Ah yes.

Q- Or a mountain goat?

A- Well, yes.

Q- Where?

A- You can  
go down at Pickering's Bar;  
you can go down at Parker's  
Bar; you can go down at



Fords Bar; you can go down -  
 L { Luty } I say between Pickering  
 Bar and Rice's Bridge - So  
 Pickering's Bar is not among  
 the enumerated points, nor is  
 Rice's Bridge - it is Fords?  
 A - Fords Bar <sup>and</sup> ~~not~~ Pickering's  
 Bar.

L - You could not mean  
 Pickering's Bar? A - I mean  
 Parker's Bar; what we call  
 Parker's Bar, and another place  
 called -

L { Luty } Give me those  
 bars now, Parker's Bar and -  
 A { Luty } - at a place we  
 call Zig Zag trail below  
 Fords Bar. There is another  
 called Secret Cañon trail  
 it comes down Secret Cañon  
 it winds right down Secret  
 Cañon to the river. That  
 comes down from Leafax  
 to Stevens' bridge. There  
 is a wagon road that  
 comes down from Rice's  
 bridge.

L - Rice's bridge is one of



the terminus, itself, not one of the points between those two places, neither is Pickering's Bar. I say between Rice's Bridge and Pickering's Bar? There are two wagon roads between those two places are there not - between Rice's Bridge and Pickering's Bar are there not two wagon roads descending to the river?

A - There is only one.

2 - How? A - Only one wagon road.

2 - Well, where is that?

A - At Rice's. Crosses Rice's bridge.

2 - Well I do not mean Rice's Bridge, - I mean between Rice's Bridge and Pickering's Bar?

A - There is no road down there.

2 - There is no wagon road?

A - No Sir.

2 - Well there are two trails are there not?



A - I know four places that I can go down, four or five.

Q - I asked you if there are two trails where a man <sup>could</sup> riding up and down on horseback between those two points. I suppose a man by hanging on to the limbs, could get down any place, if there were trees there?

A - They ride ~~over~~ across it.

Q - What are the traveled trails across that river between Rice's bridge and Pickering's Bar?

A - Stevens trail is the first one above, that crosses the river going to the Sawan Hill above Rice's bridge.

Q - And the other?

A - The other is Fords Bar.

Q - Fords Bar formerly known as Warner's bridge?

A - Yes Sir.

Q - Now then, where for the first time did you pass over those trails?



A- That I passed over the Iowa Hill trail the first time?

Q- Yes sir? A- The fall of 1852.

Q- How many times have you been over that trail since? A- I could not tell.

Q- When did you first pass over Warner's Bridge trail?

A- Well that is -

Q { Int'g } I mean Stevens' bridge? A- I was over that trail - they had a trail over there in 1854.

Q- When did you last pass over either of those two trails? A- I think it

was the 7<sup>th</sup> of October that the Odd Fellows had a ball over at Iowa Hill and I went over.

Q- Is that the time you looked at this river?

A- No sir.

Q- When was that time?

A- About a week before that



as near as I can tell.

Q- When did you start ~~from~~?

A- I started from the Mouth of Canyon Creek.

Q- From the mouth of Canyon Creek in the river?

A- Yes Sir

Q- How did you get at the mouth of Canyon Creek?

A- I went right down Canyon Creek to the mouth.

Q- Where from?

A- From James' boarding house where I was stopping

Q- Where is James' boarding house?

A- It is in what is called Taylor's ravine.

Q- Where is that? A- Down near where this Indian's Hill claim is.

Q- You went right down into the canyon to the mouth of the canyon did you?

A- I followed the trail right down; there is a trail that goes right down to Canyon Creek, clear down



to the river.

Q- How did you go down on foot or horseback?

A- I went down on foot.

Q- Whom did you go down for? A- I did not go down for nobody.

Q- What did you go down for? A- I was hunting.

Q- What were you hunting?

A- Hunting quail and squirrels.

Q- Where did you go to hunt quails? A- Along down on the river.

Q- How far down the river did you go hunting quail?

A- I went down to Rice's bridge.

Q- Did you hunt quail in the bottom of the river - in the bed of the river?

A- I hunted them along on the banks of the river.

Q- You went down the banks of the river, on the tailings in the river, did quail ~~peck~~ on the tailings of this river?



A- Sometimes.

2- Did you ~~find~~ ~~hunt~~ any quail on that day? A- Yes sir.

2- Where did you go on the banks of the river?

A- I kept right along down I didn't go up much on the banks.

2- Once in a while ~~you~~ I started a flock of quail and I would follow them up on the side-hill a little ways and would get a shot or two, may be, and then go back again.

2- And you would go, immediately, down into the river again? A- Yes sir.

2- And hunt quail?

A- Well it was better travel-  
ing along there - better travel-  
ing along on the tailings.

2- Did you follow this river all the way down to Rice's bridge in the bed of the Creek <sup>a- yes sir</sup> Looking for quail?

A- I was hunting quail along in the



river. I was hunting and following down. I followed the channel right down the river.

Q- Did you keep your eye on the side of the banks where the quail ~~are~~ would probably be, or were you looking in to the river as you went down?

A- I was looking into the river and keeping my eye upon both.

Q- At that time were you estimating the amount of tailings in the river?

A- Yes Sir. I could not help estimating it - it was filled up.

Q- You have a mathematical turn of mind then?

A- No.

Q- Had anybody asked you to make an estimate of the amount of tailings?

A- No Sir.

Q- You just walked down that river and from your general knowledge recollection



of it since that time you have made your estimate is that a fact?

A- I have estimated it since.

A- Have you been on that river at any time since, with a view of ascertaining how much tailings there were there?

A- No Sir I have only crossed it. I have not been down it.

Q- Where did the tailings commence in the river after you left Gold Run after you left the mouth of Canon Creek?

A- They commenced at the mouth of Canon Creek?

Q- How? A- They commenced at the mouth of Canon Creek.

Q- It commenced at the mouth of Canon Creek?

A- Yes Sir.

Q- And do they keep growing deeper and deeper from the mouth of Canon Creek on down? A- Yes Sir; they



keep growing deeper and deeper  
 Q- Does your include from the  
 mouth of Cañon Creek down,  
 in your estimate of the aver-  
 age, forty feet?

A- From the mouth of Cañon  
 Creek to Rice's bridge?

Q- All the way down to  
 Rice's bridge? A- Yes Sir?

A- Yes Sir, I should think it  
 was.

Q- How deep are the tail-  
 ings between Cañon Creek  
 and Peckings Bar?

A- I should not think over  
 ten or twelve feet.

Q- You think there are at  
 least twelve feet deep there  
 do not you or do you?

A- About ten feet I think.

Q- About ten feet on an  
 average? A- Yes Sir.

Q- Where are they deepest -  
 nearest the dump or as  
 you get further down from  
 Cañon Creek? A- You  
 mean to where I got to  
 the river, from Cañon Creek.



Q- Yes sir? A- They get deeper as you go down.

Q- Get deeper as you go down? How far from the mouth of Leaven Creek, do you go before you find this first of this ten feet deep? Do you go any distance down or does it immediately start right where the water comes, and the tailings wash out; and the tailings started there go all down; that is the deposits started from there go right on down as I understood you on an average of ten feet deep, between that and Rice's bridge? A- Yes sir.

That is a fact is it - between Pickering's Bar, I mean, on an average of ten feet from there. Then how deep is it at Pickering's Bar?

A- You mean at the head of Pickering's Bar?

Q- Yes sir? A- I should not think it was more than twelve or thirteen feet. I



should not think at the head of the Bar.

Q- How deep is it from the head of Pickering's Bar to the lower end of Pickering's Bar?

A- It commences getting deeper pretty fast there.

Q- How deep is it? Just make an average of the depth from the head to the foot of Pickering's Bar?

A- Probably fifteen or sixteen feet on the lower end of Pickering's Bar.

Q- Now then running from the lower end of Pickering's Bar, one mile where would that take you to?

A- Well it would take you to about Parker's Bar.

Q- Parker's Bar. How far from Parker's Bar?

A- That I can not tell you.

Q- What is the average depth of these tailings, taking the lower end of Pickering's Bar to Parker's Bar?



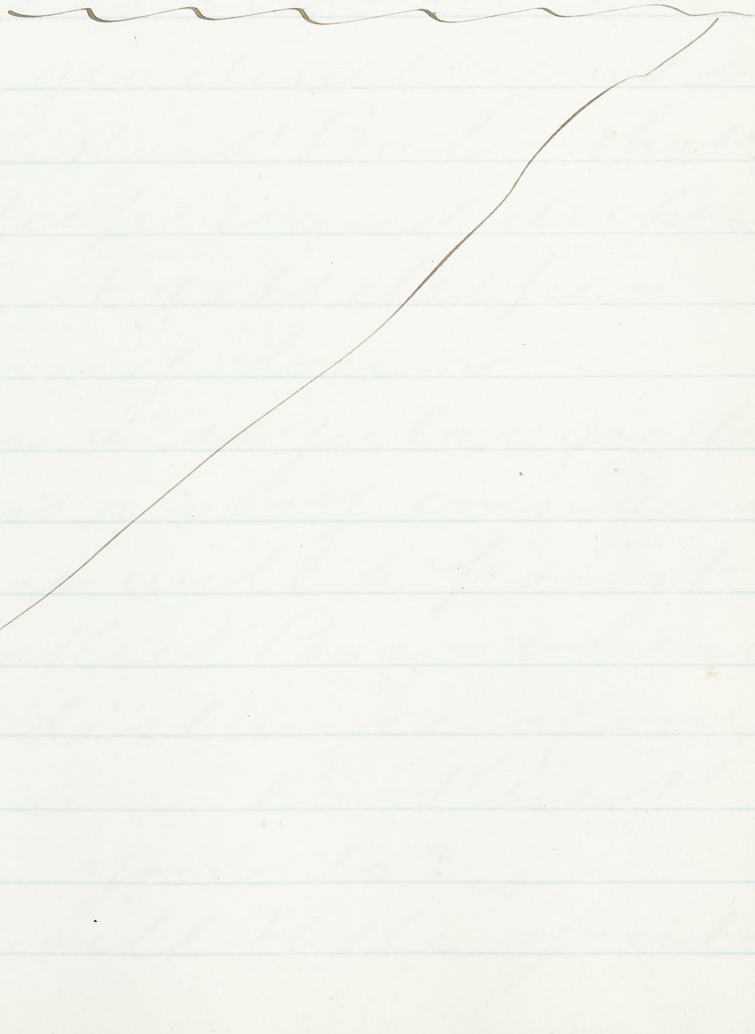
A- Well it was I should ~~have~~ think they would average twenty feet.

Q- How did you make that average of twenty feet between those two places?

A- By judging.

Q- I know; but you go through with some mathematical process in your own mind to determine that, do not you?

A- Yes Sir; I judged at that there by what I seen in the river.





Q. How did you make the average? Now, at Pickering's Bar, you think it was about 15 feet - at the south end of Pickering's Bar, do you not? at the lower end?

A. Yes, I should think it was

Q. How deep is it at Parker's Bar? A. I should think it was about 20 feet deep there

Q. Twenty feet deep?

A. Yes

Q. Does it continue to fill up gradually as it goes to Parker's Bar - that it gets deeper and deeper?

A. Yes, it gets deeper going along down

Q. On a regular grade?

A. It is a very even grade

Q. Where will a point from Parker's Bar - where will a distance of one mile from Parker's Bar take you to?

A. It will take you to



Fords' Bar, very near. I think it is about 2 miles between Fords' Bar and Parkers' Bar

Q. How deep did you say the tailings are at Fords' Bar?

A. At Warners' Bridge?

Q. Fords' Bar. A. I should think the tailings at the old crossing at Fords Bar were 60 feet

Q. I speak at Fords' Bar, and not at Warners' Bridge

A. I should think 60 feet. I should judge about 60 feet

Q. How do you judge that? A. By the marks, by the land marks

Q. Do they go square up, and make a level, or did they run aslant, diagonally across the stream?

A. They go right up

Q. They go right straight up? Did not the water run around one end



of them? A The water runs first one way and then another. It takes around and runs -

Q. {Intg} Coming up a mile above Fords Bar, what was the original shape of the channel there?

A The old original shape of the channel?

Q. Yes. half a mile above Fords Bar? A Do you mean before any tailings were run in there?

Q. Yes. A. It had a rocky bottom. Big boulders and rocky

Q. What was the shape of the channel?

A. I do not know, as I understand you know, what you mean?

Q. Did it run square down in that way {indicating} or did it run this way {indicating}?

A No, it run in this way {indicating}



Q. Were there any holes there half a mile above the bar?

A. There were holes there, and holes all along the river. That is here and there

Q. Was there any hole up there, half a mile above the bar?

A. There was one just above "Fords' Bar. Half a mile above, I do not think there was. I am not certain

Q. How many holes were there between Fords Bar, and Parkers' Bar?

A. I do not remember of seeing but one now

Q. Was the width of the channel regular all the way up and down between those two bars? or was it wider in some places than in others?

A. It was a little wider in some places than in



others

Q. You think about 60 feet wide? A. How?

Q. You said about 60 feet wide, did you not?

A. About 80 feet. I was asked if the average - if I knew the average width.

Q. From bank to bank?

A. From bank to bank, across the channel. That was the question I was asked. The channel is narrower in some places than it is in others.

Q. Now, how did you get across the water in this stream, the American River, the day you went down hunting?

A. How did I get across the water?

Q. Yes. A. There was no water in to bother anybody. You could go right across any place.

Q. You could wade?

A. Yes



Q. Did you wade across very often that day?

A Yes

Q. What kind of boots did you have on?

A. A pair of stogy boots, leather boots

Q. Did you get any water in them?

A No sir. I do not remember of getting my feet wet. I could hop across at any place, and it would not take me in above my ankles

Q. Do you ever remember going hunting down that stream before?

A Not clear down. I have hunted along on the side hills a great many times, and have been down across

Q. It was just after this suit was commenced you went out hunting and went down the stream? A No, sir, there



was no suit. There was a  
garnishee put on the  
claim. The claim was  
shut down, ~~if~~ I remem-  
ber right, but that is  
all I do remember

Q. You did not go  
down there for the pur-  
pose of estimating the  
depth of the tailings?

A No sir

Q. You saw one or two  
points where you esti-  
mated ~~that~~ the tailings  
were pretty deep - where  
you could see land  
marks, did you?

A Yes

Q. Fords' Bar, and one  
other place - ~~High~~ Bar?

A Yes

Q. Those were the only  
two places that your  
attention was called to  
the land marks?

A Well, at Warner's Bridge  
too

Q At Warner's Bridge?



A Yes

Q. Those 3 places - is not Wainers Bridge, and Fords Bar the same thing? -

A No, sir. They call it Fords' Bar, but where the old original Fords' Bar Bridge was, Wainer's Bridge is now half a mile above that.

Q. Now at this place called High Bar, where you say the tailings were running down over it, where is that located?

A It is located on the north side of the river just below where Jamison's Ravine comes down from Iowa Hill.

Q. Where Jamison's ravine comes down?

A Yes

Q. Does Jamison's ravine come down from the same side?

A It comes down on the south side



Q. And this is on the north side? A Yes

Q. The tailings are piled up there? A Yes

Q. Are they any higher than the tailings immediately above them?

A How is that?

Q. Are they any higher than the tailings immediately above them?

A You mean higher on the bar?

Q. Yes. A Then they are above them?

Q. Then they are above them, up the river?

A No, sir, I do not think they are

Q. Now, how far down do you say you continued this hunting expedition of yours?

A I went down to Rices' Bridge, and from there up to Colfat, and I jumped on the train and went home



Q. How long after that was it before you had your talk with Mr Uren?

A I did not have any talk with Mr Uren, until I came down here

Q. So that Mr Uren's survey and calculations if made up there, could not have been made after his talk with you?

A No sir

Q. Did you say Mr Uren agreed with you, or that you agreed with Mr. Uren? A We talked over about the depth of the tailing there in different places, and I told him as near as my judgment would allow me

Q. Are there more than three places on the entire length of the river between those two points, where you can give the depth of the tailings - the actual



depth? A I could not give the actual depth as to any of them

Q. A great deal of it is a guess, except as to two or three points? A To the best of my judgment

Q. A great deal of it is a guess, except those one or two places where you noticed the land marks, are the not, I do not is a guess?

A Well, my judgment -

Q. (Intg) Is not it a mere guess as to the depth of the tailings at every place, except those two or three where you speak of, where there were land marks, ~~are~~ A Two or three points

Q. And all of the rest of the places you are guessing at the depth. Is not that a fact? A Well, my judgment teaches me -

Q. (Intg) No, I want an answer to that question.



I ask you now whether or not it is not a guess, except as to the two or three points where you saw land marks. You can tell whether or not it is a guess? A. I do not hardly understand that question

Q. I will ask you if you are not simply guessing at the amount that is in the stream except in those places where you noticed the land marks? A. I think my judgment is pretty near correct about the depth

Mr Start I object to that answer, and I move to strike it out

The Court I presume he means by judgment, what you mean by guessing

Q. Now I want to know what is the best of your judgment at a point exactly a mile and a



and half, and from that on, for a mile further up the river from Pickering's Bar - not Pickering's Bar, but Rices Bridge?

A Well, to see the stream in in early days, before there were any tailings run in there, and to see it now, when they are in there -

2. {Intg} How deep was the river in 1852, and from that time on up to 1862, from a point half a mile above Rices Bridge, to a point half a mile below Pickering's Bar?

A How deep was the river at Pickering's Bar, with the fillings?

2. No. Without any fillings how deep was the river? A Do you mean from the top of the ridges

2. I mean from the banks of the river, the top of the banks? A From the



top of the bank down?

2. Yes. A I could not tell you

2. I have you any ide. Now what land mark is there that enables you to tell how high it is, how far it is from the top of the tailings down to the bottom of the river?

A. That river, I should judge, would be from 1700 to 2,000 feet down

2. I ask you what land mark there is that enables you to determine how far it is from the top of these tailings to the bottom of the original river, at any point, except at Fords' Bar, and at High Bar?

A Well, there is one at Warners' Bridge

2. Well, Warners' Bridge is Fords' Bar, and Fords Bar is Warners' Bridge, I understand; but did you



see any land mark there except at Fords' Bar, Warrers' Bridge, and High Bar, that enables you to tell the depth or the distance from the top of these tailings to the bottom of the river? A Well, knowing the stream in early days, and working along the river there at different times, I judged.

2. What land mark is there that enables you to make that judgment? Let me ask you this question: Did you make an estimate of the maximum amount and the minimum amount, and then by any means determine the average, or did you make a jumping guess at the average?

A. Well, I did not measure nor anything of that kind

2. I ask you if you



made a jumping guess at the average, or whether or not you first determined the maximum and minimum amounts in different parts of the stream, and then by some process determined the average - what the average would be? How did you get at the average?

A. Well, as I have seen land marks, I can judge pretty near how deep it is by them.

Q. And you guessed at the average? A. In one way it is a guess. I looked at them, and my judgment teaches me that they are so and so - so deep.

Q. Now I want to ask you if this is not the process of arriving at it; from your general knowledge of this stream, as you had seen it, and as you saw it when you



were hunting quails in October, and you said to yourself: "I think now an average of that thing is 40 feet?" "I will put it at that as a reasonable average, without going through any process by which to determine it."

Is not that a fact, Is that the way you arrived at your ~~average~~?

A. Yes. By taking the thickness of the tailings in different places, and I judged as near as I could as to how deep they were in such a place and along down. I should think that the average was about 40 feet.

2. Now, can you give me those different places where you determined how much there was - how deep?

A. I have

2. It was only in two



places, was it not?

A I gave you the depth in three

2. Those are the only three places where you estimated the depth, and you made your average from those points? A. Yes, I made my average from that

2. You say that the water - the flood here in 1862 washed out all of the tailings in the river?

A In 1862?

Q No 1876-1875-6? A. I did not say it washed it all out - very nearly so

2. How deep were the tailings in the river after the flood of 1876, between those 2 points?

A After the flood?

2 Yes A. Well, there were not a great many in there, you could see the rocks sticking up,



most all of the original old rocks in the bed

Q. Cannot you see the rocks sticking up in many shallow places now? A Not in the bed of the stream, you cannot

Q. On the sides of the stream? A Up on the sides, of course, out of the river bed, above the tailings

Q. When did you first come down that stream or up it, after 1876?

A The first time between those points?

Q Yes A I was down across it a number of times that winter

Q. You crossed it?

A Yes

Q. I ask you how many times, or when for the first time after 1876 that you went up or down that stream be-



between Pickering's Bar,  
or Rices' Bridge, up or  
down? A. Did I under-  
stand you to stay to go  
clear up or down the  
river the length of it,  
between the two places?

2. Yes. A Right along the  
river?

2. Yes. When for the  
first time, after 1876  
did you do that?

A To go the whole  
length of the river clear  
up and down, I do not  
believe I done it till  
this fall. I have crossed  
it, and have been up  
and down different places

2. When did you go up  
and down in different  
places. between those  
points, after 1876 for the  
first time?

A Not every year, I  
have been along up and  
down the river, but to  
say that any time that-



I went clear through, I do  
not know as I have

Access until 2 o'clock

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In the Superior Court  
of the State of California  
in and for the County of  
Sacramento

The People of the State  
of California }  
vs. } Afternoon Session  
The Gold Run Ditch } Tuesday  
and Mining Company } Dec. 20/81

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Winifred J. Davis  
Official Reporter



In the Superior Court  
of the State of California  
in and for the County of  
Sacramento.

The People of the State of California	} Afternoon Session Tuesday Dec 20 / 81
vs. The Gold Run Ditch and Mining Company	

Testimony  
of  
Wm. J. White

Cross - resumed

Mr. Hart. Through what places  
and you first go after 1876 be-  
tween those points?

A I am up and down the  
river from Carlin Creek down  
to Fordo Bar and Iron across  
the river below Ford Bar and  
down at Stevens Bridge and I  
crossed at Rees Bridge.

Q When after 1876 - after  
the flood of 1875-6



A It was after the flood  
I well, when

A Along in February of my  
recollection I ever me right now  
2. In 1875 or 1876?

A In 1876

I know deep were the tailings  
at the river after 1876?

A I could not tell you. They  
were nearly all swept out. That  
is there were a few left here  
and there

2. That is any indefinite term.  
I ask you how deep it was  
between these points?

A I do not believe I could  
tell, some places. You could  
not see any at all and other  
places you could see may be a  
few lying around, very coarse  
material.

I were they on an average  
20 feet deep? A No sir

I know deep would you say  
the average was? A Well,  
I could not answer that ques-  
tion. I do not believe I can  
tell you how deep they were



How deep were they at Rice's Bridge after that?

A They were nearly all swept out

How deep were they at Rice's Bridge after the flood?

A I do not believe they would average a foot deep

I can go for on any reasonable judgment on that question

A Well, I should say there would be a few lying here and a few lying there, and in some places you could not see any

2 They were in lumps up and down the river, and in some places deeper, and in some places not so deep. A In some places you could see a few and in some places you could not see any.

2 Well, in some places how deep would you see them there

A Well, there were not any that I saw that would cover the tops of the old original boulders.

How high are those original



Consider?

A They lay in the stream  
were I think 10 or 15 feet high  
I know then how deep?

A Some were not so high  
I know deep were they at  
any point you can mention,  
Say at the deepest point you  
can remember? A The  
deepest place I can remember  
came average about 30 feet.  
You mean the old original bed?

I yes. I mean the old orig-  
inal bed? A That is the  
old original bed, the bed rock  
that was in the river before  
the glacier commenced running.

I I am speaking of the tailings  
that were in the river after  
the flood of 1876?

A I did not see any places  
where they were that deep.  
I did not understand your  
question.

I You did not see any places  
where they were how deep?

A 30 feet.

I When did you go there?



of the distance up and down the river, besides that which you have mentioned after the flood of 1876. A Levee along down between Fords Bend and Whetshimanes Bridge there - Stevens Bridge about the same time, a little after.

Q! What did you do go down the river from in February 1876

A I went down there to look at a claim. To look at a piece of ground at the mouth of Secret Cañon

Q What ground is that?

A Some ground that I was - I went down to look at a piece of ground that I was thinking of picking up, it was in Secret Cañon

Q Where is that ground?

A It lies right above the River a little ways

Q In what Cañon?

A In Secret Cañon, about two miles -

Q Where is that located with reference to Stevens Bridge?



A. About two miles above Stevens Bridge

Q And where is the Ford Bridge

A. Ford's Bar Bridge?

Q Yes? A That is above

Q Above where? A That is above Stevens Bridge

Q How far above Stevens Bridge? A It is about 4 miles.

Q Two and a half miles above Stevens Bridge is it? A Yes

Q When did you go from Stevens Bridge, down to Rice's Bridge? A Well, I will not say for certain, I do not think I was that year

Q You do not think you are?

A I told on a minute; I do not think that I went down the river. I crossed at Stevens Bridge and crossed at Rice's Bridge

Q How can you tell how deep the tailings were between those points without having gone down there? A. I was telling you I saw only judge from what I saw in the river



2 You were guessing at the balance by what you had seen above? A I could not say any farther when I was crossing there of any account.

2 You could not see them without going there?

A The trail that runs across you could see a good deal of the river there. Of course you are not right on to it

2 How far from the river are you when you are on that trail? A Well, the trail crosses it

2. When you are on that trail up above the river, on the bank, how far away from the river are you?

A. The trail runs along up the river so you have a view of it for quite a long ways

2 How far from the river? A Well, different heights.

2 What is the average distance from the river?

A Well, I can not say because



it runs until it gets near the top of the hill.

Q It runs away from the river after you leave it, does it not? It keeps working up until it gets to the top of the hill and how far is it from the river?

A I do not know how high the hill is.

Q Can not you make an estimate of it? A. I should judge it was about 200 feet down.

Q Could you make a reasonable guess as to the amount of tailings in the river at a distance of 2000 feet above it?

A No sir, I know how far up the river it is from Rees Bridge & Stevens Bridge, did you say?

A I should think it was about two miles.

Q Two miles? A Yes.

Q Now you speak of the blue gravel? What do you mean by blue gravel. Do you mean the blue gravel in



Go to Run mine?

A I mean such looking stuff  
as that is there ~~(pointing)~~  
that is a pretty good specimen  
of it

I saw deep in the blue in  
that mine? A I should  
judge about 140 feet

2 140 feet blue?

A Blue dirt

I do not it yellow after  
you get above this stuff here  
~~(pointing)~~? A What is  
it?

I do not it a yellow, cream  
color? after you get above this  
blue that you speak of this  
cement? A It was, the  
surface was yellow

2. And immediately after  
you get to below the surface  
in the present pit?

A The surface is something  
like this ~~(pointing)~~

2 After you get below the  
surface and get down into  
the present pit, it is yellow  
too, isn't it?



A No. 1

2 Not yellow? A Blue gravel like that.

2. Is it like this clear up to the top of the present pit?

A Not as hard as this all the way down.

Mr. Byrne. Has you finished your answer?

The Witness. Oka asked me if the bank of that blue lead was blue all the way up - blue dirt, or if it was not red, and I told him it was not red.

Mr. Hart. I asked you if it was not cream color, or yellow after you got above?

A. It is pretty near the same colored ground as this is  $\left\{ \text{indicating} \right\}$

I all the way up?

A. Yes.

2. Is not that the way the river runs through the Canon? It runs from bank to bank  $\left\{ \text{showing paper to witness} \right\}$ ? A It runs



a good deal like that.

2 How many times do you have to wade that river when you come down the stream at the time you speak of?

A I did not have to wade it at all.

2 You did not have to wade it at all? A No sir, I went down the trail

2 In October? A This last October?

2 Yes? A I need not tell you how many times I did wade it then

2 Can not you make any estimate that, like you have estimated the depth of these tailings? A No sir, I crossed it a good many times backwards and forwards, I need not tell how many times

2 How many times do you think? A I can not tell anything about it

2 How is it that you estimate the depth of the



floods in 1875 and 1881  
Comparatively. How is your  
estimate the comparative depth  
of these floods.

A I judged that they were  
about the same.

Q How did you compare them,  
how did you determine the depth  
and the amount?

A By looking at it in the  
Stream I judged all very near  
I Well, is that all?

A The water was about as  
high in one as it was in the  
other.

Q You mean as high in the  
banks? A As high in  
the stream as near as I can  
judge now.

Q Do you mean as high on  
the banks of the stream?

A I think there was about  
as much water in the stream  
as there was the other.

Q Ask you how you de-  
termine it that there was  
about as much water one  
year as there was the other



A Well, I told you as near as I could by looking at the stream, and judging the amount of water there was in them.

I told you my judgment of the amount of water.

A Well, I judged by the look of it, and the amount of rain, storms they have fell, and by the look of the stream.

I was it as high on the bank, one year as it was the other.

A It was in the stream where they were the same.

I where was the stream the same, where you saw it. Where was the bed of the stream the same in 1876 as it was in 1881 - 1875-6?

A Well, I can not tell, but they all seem to have just about as much water in them, Creek, Canon and meadows.

I want to find out the basis of your judgment. I want to know how you estimated whether there was



more water or the same amount  
of water one year or the other.  
I want to know the basis of  
your calculation. The facts  
from which you determine this  
thing? <sup>2</sup> A Well, I have  
told you 2 or 3 times; I believe  
now.

2 You say where the bed of  
the stream was the same the  
water was the same height.  
Where was the bed of the  
stream the same?

A Judging by the look of  
the stream, and the amount  
of storm we had to the best  
of recollection now, it was  
about the same.

2 Can you tell by the look of  
a stream, when the bed of the  
river is different from what  
it was before, whether there  
is more water at one time  
than at another?

Q. When the bed of the stream  
is different?

2 When the bed of the stream  
is different - broader - higher.



A Whether there is any more water there one time than at another?

Q Yes.

A So I understand you to say that you take the stream when it is clear and then fill it up 50 or 60 feet with tailings and then ask me whether I can tell?

Q That is how more water?

A When it was running dry and running full?

Q No Sir. Can you tell whether at one time it had more water than another Can you tell whether at one flood time it had more water than at another flood time, when the bed of the stream was different the shape of the stream was different?

A It would make a difference. Take a stream that had no tailings in it there would be a



difference of course.

Q How could you tell under those Circumstances whether a flood was higher one year than another?

A Well I take the general Run of the Country and Streams that I have seen  
Q What general run of the Country did you take at this time?

A Nearly all the Streams and Canyons,

Q Mention some of them?

A Canyon Creek.

Q Canyon Creek?

A And the Rivers,

Q The River is the stream that your Judging of  
A I know it, I know

what you mean, that is as near as I can Judge. I can tell you that the two freshets were very near alike in my Judgement.

Q Do you know whether the velocity of the stream



at those two periods was the same?

A No sir I could not tell you

Q you do not know whether it was or not?

A No sir

Q So you know whether its depth was the same?

A The depth in the north Fork  
Q (Interrupting) of the water I mean?

A No sir I could not tell you so it was exactly the same because I did not measure it, I did not measure any stream - measure the water. I do not remember that I did either fresher.

Q Your statement here is a rough guess is it not on that question?

A Now when you talk about guessing, when a man says he is guessing at something, he guesses at something he has not seen don't he?

Q Not necessarily so?



A If he has seen it it is his judgement: he has to form his opinion by his judgement if I understand it.

Q Can you form an opinion - you can see the State Capitol from here - can you form a judgement of the distance to the top of the dome?

A No sir

Q You can see it?

A I can see it.

Q You would have to guess at that and don't you guess at the volume of water running in these streams in the same way?

A I cannot see the bottom of it and I have no chance to form my judgement. I cannot see the bottom of the Capitol from here although I can see the steeple, the tower.

Q Can you see the bottom of the stream up there?



A Sometimes

Q Could you in 1876 or 1881  
in the winter?

A Not when it was storming.  
I could not. It was Riley  
muddy.

Q How do you know that  
7500 inches of water were  
used in the Gold Run  
district after 1865 and or  
before 65 or after the com-  
pletion of some ditch there.  
Whose ditch was that?

Mr Byrne. The south Yuba  
Canal.

Mr Hart After the Completion  
of the south Yuba Canal?

A All I know about it is  
what I was told, I never  
measured that ditch.

Q That is hearsay then?

A It is hearsay Yes.

Q How do you know that  
each Company used from  
250 to five hundred inches  
of water?

A I have worked on a good  
many of these claims and



That is about all they used while I was working and saw them.

Q How do you know the grade was from 9 to 12 inches to 12 feet in the flumes?

A That was the general grade that was given to our sluices at that time.

Q How do you know that that was the general grade from 9 to 12 inches?

A I helped to put in considerable many of those flumes?

Q How many?

A I cannot tell you, I worked in different claims I could not tell you how many I worked in.

Q How do you know the present grade of the Gold Run Mine and ditch Company?

A I helped put the flume in.

Q Did you measure the



grade?

A I graded a good part of it and I set the cross ties for it.

Q Now when you say that they could wash five times as much in the old washings with 7500 inches than they can now as you mean five times as much per miners inch as they can now out of this kind of material?

A What I meant - what I said I believe is that they would run it with the same head of water.

Q That is five times as much to the miners inch is it not?

A That they could run four or five times as much

Q You said five times as much with the same head of water?

A Four or five times as much.

Q To the miners inch?



A. In my Judgement.

Q. That would be four or five times as much to the miners such then?

A. Yes

Q. How much do they wash of this stuff?

A. I do not know it goes through mighty slow.

Q. You do not know?

A. I Cannot tell.

Q. Did you ever know of there washing as much as eighteen Cubic yards to the miners such of any dirt up there?

A. I Cannot tell how much we do wash.

Q. Do you know of anything of that kind?

A. I do not know it because I do not know how much of a piece of ground that would make. I never heard the word yard mentioned up there.

Q. You do not know how much eighteen Cubic yards



would make?

A No sir.

Q How do you make that estimate of the Comparative Amount that would be washed of these several kinds of material?

A By working in them both

Q Do you know how many Cubic yards of ordinary dirt a miners inch will wash?

A No sir.

Q You do not know that?

A No sir.

Q You say that you have seen boulders 12 feet through in in the blue lead?

A Yes.

Q Where have you seen them

A I have seen them in the Gold Run Mining Companies pit here

Q Where?

A I have seen them in the Gold Run Mining Companys pit.

Q Taken from where?

A From out of the diggings



Q What part of the diggings?

A The largest ones generally lay near the bottom.

Q Did you ever see more than one that was 12 feet through?

A Yes I have I have blasted and pounded up more than a dozen of them myself.

Q Pounded them up how?

A Blasting them and then sledging them up.

Q Pounding them up fine to get the gold out of them?

A No sir there was no gold in them, we had to maul them up to get them out of the way and run them through the sluices.

Q What part of the mine did you take them from?

A Generally they were scattered all over the bottom, boulders of all sizes.

Q What is the bottom?

A The bed rock.

Q That is right down to the bed rock?



A On the bed rock yes

Re direct Examination  
 of  
N. H. White

Mr Byrne You speak of the quantity of water that was used in the gold Run districts from 1865 to 1875, I will ask you if a miner, a person accustomed to mining and the use of water can judge by looking at the size of a ditch and the quantity of water in it with reasonable accuracy about the number of miners it contains?

A yes he can come pretty near.

Q You stated that you never measured the quantity of water that was running in those ditches, upon what do you base your judgement as to the quantity?



A By the looks of the ditches and by what people have told me.

Q In reply to the Attorney General you said that all your information on that point was pure hearsay. is that correct, did you ever see the water running in those ditches?

A Yes I have seen the water.

Q Did you at that time know the number of claims working in that district?

A There must have been somewhere between 25 and 30

Q Did you know at that time the quantity of water that was used by each comparatively or generally, I mean about how much. I do not mean to come down to an inch?

A Well they generally used from 250 to 500

Q In how many different claims in that district



did you work during these ten years. say from 1865 to 75. }

A Well I could not tell you I have worked in a great many of them.

O Well about how many of them I do not want the exact number }

A I have worked in the Gold Run the Allison the Indiana Hill, I have worked in the Bowen Claim I have worked in the Fish Hawk and I worked in the Miami and in the Hawkins Claim. I have worked in the Pine Top and I have worked in the Comer I have worked on Maryland Hill and in the Illinois I have worked in the Payler Claim and I have worked in the Gem.

O Any others that you think of }

A I cannot think of any now. I have worked in the



Indiana Hill Company claim.  
 - The mill and mining Company  
 I have worked there.

Q Was this between the  
 year 1865 and 75?

A Yes

Q How many of these Claims  
 have you seen in active  
 operation during that time  
Mr Hart Objected to the  
 question upon the ground  
 that it was not in Re ex-  
 amination and that the  
 witness had been examined  
 upon the subject before?

Mr Byrnes. How many of  
 those Claims have you seen  
 in active operation during  
 that time? *Running*

A Running all at one time  
 do you mean?

Q At any time. I do  
 not ask you to give  
 the exact number now  
 but in a general way so  
 as to give the Court —  
 inform the Court as to your  
 knowledge of the amount

7175



of water that was used there during that time, did you see them all at different times?

A I have I think seen as many as 20 and I do not know but more I cannot tell the exact number the whole country - they were all running that could get water.

Q All running that could get water?

A Yes and about all of them got it too.

Q You were asked if Ford's bar and Warners bridge is not the same point or if they are not at the same point upon the North Fork of the American River, what is the fact in reference to that?

A Ford's bar and Warners bridge?

Q Yes?

A Where the old Ford's bar bridge used to be is



Nearly half a mile below  
where his bridge has been  
for the last few years.

Q Are the points identical  
(that is to say is Fords  
bar and Warners bridge  
the same, are they the same-  
Are they at the same point?  
A No sir nor what I call  
Fords bar.

Q I mean the place where  
you met your land marks  
Or where you recognize  
your old land marks  
A No sir they are not  
the same.

Q How far are they apart?  
A Very near half a mile  
Q You were asked the  
question if the River is  
accessible at any point  
except the two or three  
places that you mentioned  
A How is that?

Q You were asked if men  
could go down to the River  
the North Fork of the American  
River at any place except



the places you mentioned which were the Crossings at the trails, is there anything to prevent any man from going down from the top of the Canyon to the River all the way from Pickering's bar down to Rice's bridge except in a very few places?

A A man can go down most any place, he had reference to going down with a horse or a mule  
 Q No sir - he was talking about a grizzly bear or a mountain goat, he asked you whether a grizzly bear or a mountain could go down except in two or three places?

A Yes a man can go down almost any place There are some few places where it would bother him.

Q How many places?  
 A I do not know.



Q For what distance do they continue, what are they describe them to the Court Judge Temple has never seen this River and I want you to give him an idea what it looks like?

A A man can go down— there are probably a few places that it would be too steep or that there was too much of a precipice or a deep Canyon or something of that kind that he could not get down but there are places all along where he can go down. I do not think there is over half a mile in all the way but what a man could go down well enough.

Q Now sir what do you say in relation to the filling of tailings between the head of Pickering's bar and the mouth of Canyon Creek?

A The filling up?



Q Yes are there any tailings there?

A Between the mouth of Canyon Creek and the head of Pickering's bar.

Q Yes?

A Yes There is a few.

Q How deep?

A I should not think there is over ten feet.

Q Are they so deep as that -

Objected to and question withdrawn

Q Have you made a recent examination of the River between the head of Pickering's bar and the mouth of Canyon Creek - "Objected to"

Mr Byrne What do you say about that - what is your recollection?

A Well there were a few tailings in the River there when I went down that time, pretty coarse heavy stuff what there was.

Q I cannot hear you?

A There were a few tailings in there.

Q Above the head of Pickering's bar

A Yes. Above the head of Pickering's bar, pretty coarse heavy stuff



# Testimony of Edward Christy

Called for the depts. Sworn

Mr. Catlin Q Mr. Christy where do you reside? A I reside at Folsom sir

Q Do you hold any office in this County? A Yes.

Q State what it is? A I am holding the office of Supervisor of the 6<sup>th</sup> Supervisor District of this County for 6 years.

Q Supervisor of the 6<sup>th</sup> District? A Yes.

Q For the past 6 years I understand you

A. Six years last October.

Q What part of the County does that district embrace?

A It embraces three townships — Mississippi, Natoma and Granite

Q When did you come to California first? A I came to California — on the



28<sup>th</sup> day of February 1852  
we landed at San Francisco  
Ostate whether you went to  
the mines at once? State  
where you went to?

A I went right straight —  
the next day I came up the  
river and went to Auburn  
and engaged in driving the  
Bear River tunnel. One  
the third day of March we  
started to work and worked  
till October. I was one  
of the principal men who  
drove the tunnel there. The  
Bear River tunnel there and  
then when I got it through I  
went to Yankee Jim's in the  
fall of 1852 in October I  
think

Q You went to Yankee Jim's  
in October 1852. A That is  
the best of my recollection and  
I then engaged in mining there  
the first mining I done there  
was on Georgia Hill drifting

Q How long did you remain  
at Yankee Jim's. A I



remained there and worked  
in Georgia Hill drifting for  
about 3 months. It did not  
pay very well and then I started  
over to Wisconsin Hill and  
started sluicing there and  
then we sluiced there until  
the next Spring and I came  
down to Auburn then again.

What kind of mining  
was carried on at Georgia  
Hill and Wisconsin Hill  
and Yantree Jim's at that  
time when you were there?

As the general mining was  
sluicing, there was very little  
drifting at that time. It was  
pretty much sluicing. Only  
this Georgia Hill on the bluff  
leading into the hill it  
went in where the rock was  
quite pitched and it did  
not pay very well and they  
started to sluice them  
afterwards.

How deep did they sluice?

At Georgia Hill I think  
it was 40 feet deep.



Q How deep, generally was mining carried on by sluicing at that time, at Wisconsin Hill and the vicinity of Yankee Jim's?

A On the East side of Yankee Jim's the claims were not as deep. It was rather different material. It was this rich loam no rocks at all, we worked all day sluicing and there would not be over a barrelful of gravel in the evening. Two of us would keep on sluicing down for 12 or 15 feet and on this side of Georgia Hill was 40 feet to my recollection.

Q What river did that material go into? A The tailings from Georgia Hill went into the Devils Canon and the tailings from Wisconsin Hill went into Yankee Jim's Ravine and I think they emptied into Shirt Tail Canon but I am not certain of that.

Q State how extensively these



mining was carried on there  
 How many miners generally  
 speaking were engaged in  
 sluicing and sluice washing  
 at those points at the time  
 when you was there. There  
 must have been a  
 good many because Yankee  
 Jim's was quite a place. And  
 it was the only occupation  
 that kept the town up —  
 mining. There was nothing  
 else going on at that time  
 There must have been as  
 much around in that  
 vicinity in early times as  
 2000 or 3000 mines. A great many.  
 I am not certain of the exact  
 number I know it was  
 quite a large place and  
 that was the only business  
 they had at that time.

Q When did you leave  
 there did you say

A That was in 1853 I left  
 there the Spring of 1853 and  
 came back to Auburn I was  
 interested in a quartz mill



that worked there in what was called the Crusoe Hill Quarry Mining Company's mine. It was located in Baltimore Ravine about 12 miles this side of Auburn, Placer County.

Q From there where did you go? A That was a kind of a failure. I left there and came to Rattlesnake Bar in 1853; I think in June 1853.

Q State what you did there and what kind of mining was going on at Rattlesnake Bar. A There was very little mining at Rattlesnake Bar then. There was a little ditch that they called the Colby ditch and it came down through Mormon Ravine some place near Sully's Bar on the American river. The Bear River Co. dug a branch ditch from Auburn to Rattlesnake Bar and I had the contract of bringing it in there and they culminated



that they would sell about 600 inches a day. They had a reservoir on top of the hill and there were a number of sluices there and they sluiced into the American river. I recollect there was 7 of these big sluices running into the American river and there were little sluices that were working then in claims. I forget what they called them. I know there were seven big claims that worked in that bar and they dumped into the American river, into the North fork.

Of what kind of material was it they were washing into the Rattlesnake Bar?

A Rattlesnake Bar - there was some pretty hard gravel it was not easily worked. It is a kind of very solid dirt and it had to be picked a good deal. There was a little surface of loam in



top and the rest was this red gravel

Q How high above the river - the surface of the water in the river were these mines that were sluicing then situated, about what elevation above the river?

A I guess they must have been as much as 100 or 150 feet above the surface of the river probably more. They may be more or less, that is the best of my knowledge I never measured them

Q I will ask you on what grade the sluices were that you were washing?

A They dug a race in the bed rock and set the sluices on it and they flumed into the American river. From the end of the sluices down to the water they would range 10, 15 or 20 feet. That is from the sluice you understand me down to the river. But the



races were deep. Sometimes as much as 15 or 20 feet in the bed rock

Q The races to put the sluices in? A Yes the races to put the sluices in and the bank where it was washed was from 30 to 40 feet

Q 30 or 40 feet deep?

A Yes, where the miners washed out. But we cut the race and sluiced in it

Q How long did the miners mine at Rattlesnake Bar?

A I ~~mined~~<sup>at Rattlesnake Bar</sup> until the North fork Canal came in in 1856 and they came down to Hobbs Bar

Q Before leaving Rattlesnake Bar I will ask you to state how extensive a mining camp or location was there, how many miners were there  
A At Rattle Snake bar there was quite large place. There was a little Theatre at that time there, Wells Fargo & Co office and there



was two large boarding houses  
 or Hotels, and a little boarding  
 house but two pretty extensive  
 Hotels sometimes three - there  
 was M<sup>c</sup> Donalds, Harlans and  
 Dr Meyers, I think there must  
 have been in the vicinity of  
 Rattle snake bar at that  
 time probably 2000 people  
 Any way, that was to take  
 the surrounding country and  
 the River, there was Rattle  
 Snake bar Oakland Flat  
 whiskey Flat and Horse Shoe  
 bar and there was in the  
 other side some mining at  
 Wild Goose Flat and Willow  
 bar and Kentucky bar  
 and Laccys bar. Rattle  
 Snake bar was the head  
 quarters for the supplies  
 generally and on sundays  
 they used to come in and  
 get there supplies for the  
 coming week and they  
 sold there gold dust there  
 I state whether there was  
 anything like hydraulic



Mining there at that time  
 A Yes the first hydraulic  
 Mining I ever saw was right  
 there at Rattle Snake bar.  
 I recollect it as well as  
 if it was yesterday. I  
 think it was in the Colby  
 Claim. A man by the name  
 of Wilkinson got his leg  
 mashed there and I helped  
 to carry him out and his  
 leg was cut off by Dr Thomas  
 at that time.

Mr Hart When was that  
Mr Coltin State when that  
 was when you saw hydraulic  
 Mining there

A That was in 1853 when  
 the Bear River water first  
 came in there

Q When the Bear River  
 water first came in there?  
 A Yes. When the Bear River  
 came in I helped to dig  
 it from Auburn to Rattle  
 Snake bar. I believe that  
 was in 1856 to the best  
 of my knowledge. Some



people say that it was in 1855 but I think the North Fork Canal came in in 1856 and there was more water supplied, the Bear River drew off I believe after that.

Q What became of the place where Rattle Snake bar was situated?

A Where Rattle snake bar was situated was right on the bluff of whor they call the flat right opposite the River and old Rattle snake bar in early days.

Q What became of the town?

A There was a very large town there. There were three Hotels there I tell you.

Q What became of the town where it was originally situated?

A The miners then worked up to the town and they moved the town back into the flat about a half a mile I think.



Q For what purpose?

A For the purpose of the miners washing out where the town stood.

Q Where the old town stood

A yes they paid for the ground and moved the town that is the way I understood it.

Q How far back did they move the town?

A I think about half a mile in that neighborhood. These miners negotiated with the proprietors and bought them or settled in some way and they moved these houses and they washed the old town off. It has been I suppose ten years ago.

Q I want to ask you whether you can form any estimate of the area, the extent of the surface mined off there?

A Where at Rattlesnake bar?

Q yes

A There is a great deal



Mined off but I am sure I never measured it, I can make an estimate and I might be right and I might be wrong, there must be in my opinion as much as 50 acres of ground now mined off or probably twice that, I do not want to say exactly.

Q You cannot be more accurate about it?

A I do not profess to be very accurate, I know there was a great deal of ground washed off.

Q You went from there to Dotens bar?

A I went to Dotens bar when the North Fork ditch came in, that was in 1856

Q I ask you how high above the River is the ground called Dotens bar

A You mean the surface?

Q Yes.

A Well it must be about as much as from 100 to



100 feet deep I went there in 1856 to Dotens bar when the North Fork Canal came in there.

Q State the Character of the soil there?

A The Character of the soil at Dotens bar is similar to that at Rattlesnake bar it is a little loamy, the surface, the top is laid from a foot and a half to two or three feet deep and from there down to the bed rock is this yellow or Reddish hard gravel, the Claim I was working in we had to pick it over, it was hard heavy gravel and we could not make much in it.

Q About how deep were the banks that were washed?

A The Claim I worked in was about 15 feet and there were others further up that were about 20 feet - from 20 to 30 feet, and you



start at the brow and it is shallow and as you went into the bank they augmented in depth.

Q And further up they went in deeper?

A Yes as they went in they went deeper.

Q State what fall the sluices had for washing purposes?

A We generally gave our sluices from 15 to 18 inches grades for the reason that we had all the grade that we wanted.

Q That is in 12 feet?

A Yes we call that a miners sluice, 12 feet is a sluice. we gave them from 15 to 18 inches because the water was high and we could run it so much better.

Q State whether that would carry off all the material that you put in the sluices.

A Yes that is the reason



of it because we could carry off everything into the River and get shed of it.

Q How heavy material would that carry off?  
A Well a sluice 18 inches to 12 feet, we did not use big heads of water then, we had from 10 to 12 inches and it would carry off a rock weighing probably 5 or ten pounds.

Q How much of a place was there at Sotens Bar?  
How much of a mining town was there there?

A It was quite a place for quite a while. There was nothing else but mining all along the bank of the American River, they washed off the bluff it paid best on the bluff. When they went into the banks it did not pay quite as well and afterwards they raised the price of water



from four bits an inch down to I think 15 or 20 Cents an inch and they commenced to wash after I left there as I understood it Considerable.

Q After the price of water became reduced as you have stated?

A How?

Q When the price of water became reduced to 15 cents state what kind of heads they used then?

A They run more dirt through because they could get double the quantity of water for the same price and that run about three times as much dirt and rocks and they made more money.

Q After the water came down to 15 Cents an inch how big heads did they use?

A They used some of them from 100 to 200 inches, they



Are using at Folsom about  
200 inches and probably  
more.

Q How long did you remain  
at Satens bar and where  
did you go from there?

A I remained I think it  
was the spring of 1857.

I did not stay long there  
and then I came down to  
Mississippi bar. That is  
only about six or seven  
miles this way below along  
the American River

Q Mississippi bar?

A I came to Mississippi  
bar.

Q State how long you  
were engaged in mining  
on Mississippi bar?

A I mined in 1857 on  
Mississippi bar sluicing  
I was there until 1859.

Q About two years?

A About two years there  
and then I left but I  
retained the claim and  
I worked it for about a



year after that again and when I washed off the front of it it did not pay quite so well.

Q Describe the Character of mining at Mississippi bar and the Kind of Material and the Mode of mining?

A The banks at Mississippi bar where we sluiced there from the head of the bar down to what we called the old burying ground - ranged about 240 feet - forty feet in depth and it is all mined off and washed off and then when we started there to give our sluices an 18 inch grade they all dumped into the American River when the North Fork ditch came down there were either ten or twelve of these big sluices running every day unless it was Sunday, and then there were other



Chinamen working there at  
 what we called Calf Town  
 and down by the old ferry  
 there the ground dropped off  
 until it was from six to eight  
 feet deep and the Chinese  
 worked there and it all  
 run into the American River  
 bar up from the head of  
 the bar down to this place  
 that we called the Cole pile  
 there were from ten to twelve  
 of these big sluices running  
 in there for I think  
 three years.

Mr Catlin How many  
 inches of water would  
 these sluices use?

A How much water?  
 O yes.

A When we first went there  
 we used sixteen inches  
 and then we came up to  
 24 and 30 inches and  
 then we got up to as  
 high as forty and then  
 as high as 100 inches.  
Mr Hart Which are the



big sluices.

A Whar we called them big sluices were the 12 inch sluices but when they first started in this country and when the Bear River ditch came in they were only about eight inches. These big sluices were either ten or 12 inches, they were bigger sluices than the others we used to call the others little sluices and these big sluices.

Q Describe the Character of the Soil there?

A There was about from one to three feet of black loam there and the further you went into the flar the deeper the loam was, the balance was all loose gravel and sand and we would have to put boxes in to keep the bank from falling down that is on top until we got to the bed rock and we would take up a little and



clean it up. It was all loose. The average depth there was about 40 feet.

Q State whether it was easily washed or not.

A It was easily washed.

As quick as the water struck it the gold separated and these miners all run their sluices and dump into the American river.

Q State what effect it would have on the river these large sluices run straight running out into the river.

A It would fill it up with a big pile of tailings from 10 to 15 feet high and as it filled up they would put their sluices further out and we would sluice out 12 feet further and then on the opposite side on the South side of the American river at what is known as Texas Hill they would sluice into the river and the piles would come within 25 or 30



yards of meeting and when the freshets came down from the mountains in the following Spring it would clean it out and carry it down stream and they would do the same thing next year.

Oliver says that at the same time they were mining on Texas Hill on the opposite side? Ayles right opposite there was the same kind of mining running there from the Matoma Canal. The Matoma is on the South side of the American river and the North fork is on the North side.

Oliver says that these piles of buildings approached each other how near together?

A pile threw a big log across there about 25 or 30 feet long. It would not be more than 30 feet that they would be apart. He would get a log and put it across and make a gangway to



get to Tolson for the reason that if we went by the bridge it would be about 4 miles and by crossing this way it would only be about 2 miles

Q How long did that kind of washing continue

A Well they have been at it off and on ever since until the dam broke last January or February. It will be a year ago this coming Spring when it was washed out

Q Which dam are you speaking of now?

A I am speaking of the North fork dam; the dam was washed out twice. ~~It~~ was washed out last year and once before

Q When was the greatest part of this mining done?

A The greatest part of the mining was done there from 1856 to 1860 and 1861 but they have been mining there off and on. Portuguese



have worked there ever since  
 The Portuguese gets now  
 about 200 millions of water to  
 the sluice and they put  
 it down to about a 4 inch  
 grade

Q Why is that? A To get a full

Q That is because they are  
 mining further back.

A Yes they are mining further  
 back in the flat

Q About what is the extent  
 of Mississippi Bar up  
 and down the river?

A From the upper end of  
 Mississippi Bar I never  
 measured it but I should  
 think it is a mile and a  
 half and then comes  
 Sailor Bar and then  
 Sacramento Bar

Q Now I will ask you did you ever  
 mine on Texas Hill yourself? A No sir  
 I never mined there but it was right opposite me  
 there was only the river between  
 us



Q Did you have occasion to go into or across the Texas Hill Diggins frequently?

A Oh yes we used to go every Sunday to sell our gold dust and buy provisions and we would cross there and then sometimes through the week I would have occasion to go after lumber and I was well acquainted with the mines there, that was about the same material that was on Mississippi Bar.

Q As to the size and extent of the Texas Hill diggings, <sup>compared</sup> with Mississippi Bar state that

A The extent, I think it was near about the same both canals are about the same capacity and they have about the same kind of mines on Texas Hill as they have on Mississippi Bar. They went around



from the upper end of Texas Hill till they come down to Alder Creek. It is quite a distance and they were busily engaged in mining there must have been at one time as much as 15 or 16 sluices anyway there; their old cures are to be seen there yet.

Q What place was the principal place for these miners to get their supplies during that time? A well the principal point was Folsom, they all went there to sell their gold dust. That is the majority of them, nearly all of them did. I think after a year or two there was a little bit of a store started on Mississippi Bar but it did not amount to much, they charged them too high, it was on Sundays and I got a boat built. I and three others



Q The miners traded at Folsom? A We crossed over the river in the boat and they brought wagon loads of supplies down and we boated across the river, but the supplies nine tenths of it was got in Folsom.

Q State whether Folsom was the trading place for other mines in the vicinity? A Folsom was a large place. There was at that time, as I said before 800 votes cast there and the surrounding country below there, Alder Creek, Rodas Creek and Iceland Flat was a central place for all that mining around there.

Q State when you went to Folsom? A I then quit and went over there. The boys went over to Folsom, to Folsom Flat in 1859 and sunk some shafts and



told me about it and offered  
me a share in there and I  
went over. We prospected  
and then I bought them out.  
There were three of them.  
and I paid them \$1200  
and I started in driving  
a bed rock tunnel in there  
that cost \$5000 to drive  
it in and I started mining  
in Dolson and continued  
from that time till <sup>a year ago</sup> last fall

Q That was in 1859?

A That was in 1859.

Q From that time until a  
year ago last fall? Aye.

Q You have been the con-  
tinuously? A I have been  
interested all the time  
in the mine. I have always  
had mining ground. I  
have been in this City  
once when Buzby was  
sheriff two years I was  
Deputy Sheriff with him  
but I always had mining  
ground and had men carrying  
it on



Q You had mining going  
on? A Yes sir

Q With the exception that  
you were deputy Sheriff  
State during what time  
from 1859 till a year ago  
last Fall, with the ex-  
ception of the two years  
you were deputy Sheriff  
you were personally engaged  
in mining

A I was ~~personally~~ engaged  
in mining all the time  
from 1859 on and I never  
had a partner until I quit  
a year ago last Fall. I worked  
out all the ground I had.  
After I bought my partner  
out I never had another  
partner afterwards.

Q Whereabouts was your  
mining operation carried  
on at that time? A My  
mining operation in Talsam  
was at Big Flax <sup>that was</sup> there on  
this side of town before  
you go in. It is in the  
town limits where it is



mapped off. We brought out the ground considerably

Q Now I will ask you to describe the bluff there of this flat, the bluff bank of this flood on the American river to what extent that is mined?

A Well all the bluff right opposite Folsom

Q What do you mean by "opposite Folsom?" Between that and the river?

A Between the river and Folsom, the bluff of the river from the ravine that runs down from the Central Hotel till you come away down all the way in front of the river, between the river and Folsom the bluff is washed off 2 or 3 or 4 hundred feet, all washed off and thrown into the river.

Q How deep? A That is exactly from 41 to 42 feet

Witness How much did you say was the dimension



otherwise? A The depth  
of the bank was — we sunk  
shafts ranging from 40 to  
42 feet

Q How much the other way?  
A Well it must be a  
mile

Q A mile long? A Yes  
sir. It starts up at the  
upper end of Bolson and  
comes away around here  
opposite the graveyard  
and around close to Texas  
Still the bluff is all washed  
off because it paid

Mr. Catlin Q Is there any  
mining of that bluff?

A Yes There is a man  
named Williams working  
there now

Q How long has he been  
working there? A He must  
have been working there —  
he worked on the opposite  
side of the river in a  
claim at Main Flat and  
then he came over and  
bought ground, it must



be over a year probably  
two years ago

Q Do you know about  
what head of water he  
used? A About 250 inches  
that is what he told me  
I never measured it

Q Have you seen it?

A Yes I have seen it  
running at pretty good  
head; when I see width  
and the depth of it I can  
tell pretty how much water  
is in it

Q How near can a  
miner, accustomed to see  
ing water running in these  
ditches by looking at a  
ditch and the size of a  
ditch and seeing the  
depth of the water and  
the current, how near can  
he judge of the amount of  
miner's inches

Witness I object to that  
on the ground that this wit-  
ness cannot know of any  
other miner except himself



It will depend on who the miner was

A I can tell you pretty quick what I know about it. I know that anyone who is a judge of water and knows the depth of the ditch and the width of it and the top and bottom could easily estimate how much water there was in it very easily in miner's inches

Mr. Catlin I was asking you: When a miner sees a head of water where it comes into his claim and looks at a ditch, from your observation if it how near can you tell about the head that he is using?

A I can tell you the way I have often tried it. I take a piece of stick and dip it down and then I would see the bulk of the water on the stick would show the depth of it and



then I would put it across the ditch and from that I would know the width of it and from that I could very easily calculate how much water was in it

Oswell I am asking you; suppose you merely look at it, and don't use any measuring sticks?

A well I know what you mean

Q Seeing the discharge of the water and the bulk of it as it is flowing through the ditch, can you form, or not, a good idea?

A I can form a pretty good idea if I know the width of the ditch and the depth of it — ~~then~~ I can form a judgment of what its capacity will be, if it is one foot deep and 2 feet wide we will say —

Q Ants? Suppose you take a stream of water going to a mining claim where it is crossing a road?



A Yes sir

Q Say a low place in the road, can't you form a pretty good estimate?

A I could tell very nearly what was running in it within probably 10 inches of it by looking at the stream

Q Now just describe this Maine Bar that is right opposite the town of Folsom on the other side?

A Maine Bar is on the other side of the American River opposite the town of Folsom. That has been working since 1858 I think since the North fork ditch came in and that was in 1856

Q State whether they have been working there much late years or not, state whether they have been working on Maine Bar of late years?

A They are working there till the dam was washed out last Spring. The



Portuguese were working there with big heads of water every day

Q Can you see their tail piles from this side of the river? A You can see their tail piles coming out to the centre of the river piling up

Q How high? A Well it must be probably 6 or 8 feet high

Q How far out into the river? A They were out about the middle of the stream, they knock the stream over to this side considerable

Q How many of those tail piles there running out?

A I have seen the Portuguese working there; there were three claims there, maybe more right opposite where I used to work myself and where I live

Q Were you ever around the bar so as to see the work?



Armaine Flat you mean?

O Armaine Flat I should say

A I have been around there frequently. I can see it. It is only across the river from where I live

Q How deep do they go down there? A I think their claims would average 30 to 40 feet deep and that is about the same. There is a good deal of loam on top of that perhaps some places 3 or 4 feet and these others are the same as on the other side on the Tolson side and on Mississippi Bar is the same material

Q I will ask you whether there is any red dirt in that soil at all? A I never saw any red dirt in the ground there. It is generally this loose gravel

Q Have you seen the other mines in that vicinity



Willow Spring Still?

Ayes sir I never worked at Willow Spring Hill but I have been at the Diggings. I have been there often

Q Let me ask you whether or not quartz is noticeable in that mine, in that vicinity? Well I never saw a mining claim in California which didn't have quartz in it nor anywhere else I think

Q I am not asking you about any other claim up the river. A Right at Folsom where I used to mine at nights when we quit washing the boys would say: "You have got pretty good drift washing for the reason that there is lots of white quartz in it" When there is plenty of white quartz in the claim it always pays best. I have had chunks of white quartz that we have had to roll to one side when



we were drifting

Q Have you ever noticed Chris Lawson's claim?

A Hundreds of times.

Q What kind of material do you find there. A little quartz pebbles there too.

Q What character of bank?

A It is bank is 140 feet high.

Q What is the color and quality of the material?

A The character of his material is this red dirt and pretty solid. You have to drift in under and then cave it down. That is a different material from this at Texas Hill, Mississippi Bar, Maine Bar and Tolson.

Q I will ask you whether there is quartz in his claim.

A These little quartz pebbles you will see on top of the dump pile. He never put a sluice in there but they have been working I suppose for 12 years in it.



Q How is that? A I say he never has put what we call a tail sluice on it in the last 12 years from the first start and he washed out 12 acres of ground there

Q Why? A Because there is such a fall into the river

Q He has got a steep fall into the river? A He has got a steep fall. It falls down after it crosses under the railroad, the sluices are under the railroad and it falls down and goes into the river and he never put a tail sluice in and he has got about 3 blocks of ground washed off there, I think it is 3 if I am not mistaken

Q Have you noticed Alder Creek and Willow Creek during flood periods and during rainy winters? A I have been along there



I know where they are very well  
for this last 25 years

Observe what effect on  
Alder Creek River, the heavy  
run in the winter has

All the tailings from  
Willow Springs and around  
in that vicinity come  
either directly or indirectly  
into Alder Creek and come  
down

From Willow Spring Hill  
or Alder Creek. From  
Willow Spring Hill it goes  
into Willow Creek and then  
they run into the river —  
into the North fork of the  
American river, that is  
the Willow Springs Diggings,  
the deep diggings. I guess  
they are 50 feet high

They run into what?

Into Willow Creek and  
Willow Creek empties into  
the river down through  
under the railroad

On which railroad do you  
pay —



Mr Hart I object to that as suggestive

Mr Catlin What river do Willow Creek and Alder Creek empty into?

A Into the North fork of the American river

Q Into the North fork?

A What we call the North fork. we call it the American river.

Q You do not call that the North fork of the American river?

Mr Hart I object to Counsel cross-examining his own witness and it leading and telling him what to say

A That is the American river, but miners used to call it the North fork.

Mr Catlin Do you know where the North fork of the American is?

A No sir I do not. I know that is the river at Folsom I call it myself the American river but it is frequently



called the North fork by people that never were up further

Q Below Folsom at any rate where you speak of?

A Yes sir it is below Folsom

Q Now I will ask you what I was trying to ask about Willow Creek, about whether you have ever noticed it when the water was high?

A Yes; many a time.

Q What effect have the heavy rains or storms in the winter have upon it?

A Well it has washed out the little culverts there once or twice

Q State whether it rises slowly or quickly and whether it falls slowly or quickly? A It used to come down more rapid than it does now for the reason that it is filled up now but it used to come down like a mill race and



Swamp everything before it,  
that is Willow Creek

Now for Alder Creek?

Alder Creek is more  
rapid because it is a  
larger stream and more  
tributaries to it, it is a  
larger stream than Willow  
Creek more than double

Q How high will the water  
rise in that Creek and  
how fast will it run after  
a storm in Winter?

A Well I could not say  
exactly how high but it  
was raised a great height  
I think it was Winter before  
last; there was a man  
drowned there, he came  
there with a team and the  
man was washed off, and  
it has washed out the rail  
road and they had to go  
to work and get a pump  
and a donkey engine and  
go down to bed rock and  
build rock piers to lay  
their railroad upon



Q A bridge at what point?  
 A Oh that was at Alder  
 Creek

Q Alder Creek Station,  
 where the railroad crosses  
 Alder Creek? A Yes sir.  
 There are stone piers built  
 there by the railroad Company  
 on account <sup>that</sup> if they could  
 not get them to stand it, the  
 winter freshets would wash  
 them out

Q Now from your observation  
 of the river there at that point,  
 the American river from  
 Folsom down state how  
 much it has filled up  
 since you first knew it?  
 A Well from a little ways  
 below the bridge as far  
 down as I am familiar  
 with it, that is down below  
 Sailor's Bar it must have  
 filled since I came there  
 from 15 to 20 feet probably  
 more, all the way down  
 from below Folsom till you  
 come down below Sailor's Bar



that is a distance of I guess about 3 miles or 4

Now state how that filling up has been affected whether gradually or not?

Awell the average since I have been there, after 1861 that big flood cleared it out a great deal and from I ~~cannot~~ notice every year it always kept adding a little more

The Court @ Since when.

A the flood of 1861 and also every year a little more you would see it filling up a little more

Mr. Leathin @ What is the width of the river say after you pass the bridge and come in front of the town of Tolson, from there down what is the general width of the river.

A after you get a little ways below the bridge about the old Negro Bar there it must be 300 or 400



feet probably more. I thought it 500 or 600 feet wide but I am sure it is from 400 to 500 feet

Q Above the bridge what is the width there?

A After you leave the bridge there is a little place what is called a deep hole there just above the bridge

Q Well is it narrow or wide there? A It is narrow then again up 200 or 300 feet there is nothing but a Canon and it is abrupt.

It rises there probably - I do not know how much, it must have raised 30 or 40 feet there any how

Q In front of the old negro Bar in front of the town of Tolson where the river has got this 500 or 600 feet width how high does the water rise at a big freshet at that point?

Alwell it raises as much as 18 or 20 feet. I saw



it rise in one night from the time we went to bed until we got up, 12 feet I know it by a dum off that we had that was washed off the next morning between the time we went to bed and day light in the morning. At the bridge they have a gauge there but it is narrow. It would not be applicable: right there it must raise from 15 to 18 feet, probably more.

Q From your observation of the river since you first went to Mississippi Bar in 1857? A It was 1856

Owll whenever it was - shall how far in your judgment the heavy material such as gravel and cobbles is washed down the river by the floods?

Owll since I went there - the river was deep you know - and now it is



all levelled up and down.  
 At the ferry that is about a  
 mile below where I washed  
 the water was estimated  
 to be 20 feet deep. They  
 had a big flood and now  
 at low water you could  
 walk through it, it must  
 be filled up there about  
 20 feet and then all the  
 way down to Sailor Bar  
 and Sacramento Bar as far  
 as I have been down along  
 there, you will see cobbles  
 that have been washed up  
 above or it looks like them.  
 At any rate I have seen the  
 same kind.

Went down to Sailor's  
 Bar. At Down by Sailor's  
 Bar and as far down as  
 Sacramento Bar, I have  
 been down along there many  
 times. Below that I never  
 have travelled along it any  
 and the river is filled and  
 levelled and made a good  
 deal wider than it used to



be

Mr. Catlin. What is this material that lies in the bottom of the river?

A. It seems to me to be the old tailings that we washed out of Mississippi Bar and at Folsom.

Q. It has been levelled off?

A. You can see where the flood has conveyed it down there, the fine stuff has run off and the cobble rocks are lying there.

Q. Have you ever observed Pennsylvania Flat and Texas Flat? Any so far that is on the North side of the American River.

A. Well what is the character of the material there?

A. Well that is about the same as Mississippi Bar and Texas Still and Sailor Bar it is loose gravel and full of cobble rocks and sand and a little loam on top.



At those bars where you find this sandy loam on top and the cobble stones and sand, from there down, state how they compare in height from the river with the red soil bar, with the bars or banks where the red soil or dirt is? Well it is a different kind of material. The red soil was kind of hard.

Owells Isay, which is the highest from the bank of the river, from the river itself?

Abk from the river - well up where the red soil is above Tolson - Isay where the red banks are above the bridge, from the surface up to the top are probably 200 or 300 feet.

Q Now then what is the general height of these bars where the sand and cobbles



are? A That is from the  
plumes or from the top  
of the surface?

Q From the water in the  
river? A To the top sur-  
face?

Oyes sir A That would  
range I think about 100 feet

Q They would not be  
more than half as high as  
the red banner?

Ans Sir they are not near  
so high because as you  
go up it ascends

Q Are they half as high?

Well I do not know as  
they are half as high, I  
know what they call  
Plate Hill there is not over  
 $\frac{1}{3}$  as high, Plate Hill is  
a big ascent from the river  
a great fall off in it and  
so on the other side



# Cross Examination of Edward Christy

Wristart Q You are a member of the Board of Supervisors of Sacramento County?

A Yes sir ever since I have been in California until <sup>1924</sup> last Fall a year ago.

Q Have you any distinct, positive feeling in this case against one side or the other? A No, not further than —

Q (Judge) Do you mean to swear that you —

A (Christy) Stood on and I will answer your question; I am not interested either way only for the protection of this County. That is my sworn duty, no other way. But financially, the people I represent is in favor of mining Companies and if mining stops there they have got to leave because



that is what they live by  
and nothing else

Q You are now serving your  
constituents? A Yes sir I  
am now going according to  
their wishes

Q And you mean to say  
that you are an impartial  
witness in this case?

A I have already answered  
that question: I am im-  
partial, and indifferent  
with the exception of the  
finances of this County  
that is as far as my  
knowledge goes, if any  
body does the other way  
that is their lookout

My conscience says that  
it is unnecessary for  
Sacramento to pay \$12000  
for a lawyer and pay all  
the expenses of this suit  
and that is what I did  
conscientiously, I did not  
have any prejudice any  
other way and I defray  
any man to pay anything



else if he says the fact. If he says otherwise I cannot help it

Q Upon conscience then you say is against this case because Sacramento County has employed a lawyer to assist in the trial of it? A Yes sir

Q And therefore you are opposed to the <sup>plaintiff's</sup> side of the case? A No sir but I am opposed to Sacramento paying unnecessarily a lawyer

Q Didn't you testify a moment ago as to the tailings that are found in the American river near Folsom?

A Yes sir what is it?

Q I will ask you whether you can identify the tailings from any particular mine? A It is very easy to do that. A child 10 years old can tell the tailings below the Bridge down here to Suisun's Bar and tailings above the bridge - you can



tell them as far as you  
can see them

Q Can you tell the sand  
that comes from Mississippi  
Bar? A I can tell the  
kind of tailings that are  
from Mississippi Bar, from  
main flat and Texas Hill

Q Can you identify it?

A I have testified before  
that it is the same kind  
of material. I have already  
stated that it is the same  
kind of material

Q I ask you whether you  
can tell the sand that comes  
from Mississippi Bar  
from sand that comes from  
any other bar? A No sir,  
nor no man living could  
swear to it. I would not  
do so, but I say it is the  
same material

Q Can you tell the quartz  
that comes from Mississippi  
Bar from quartz that  
comes from any other bar.

A No I cannot. I do not profess



Q

Can you tell the cobbles that come from Mississippi Bar from the cobbles that come from any other bar?

A Well I would not go so far as to a cobble that came of out of Mississippi Bar or of Maine Flat because they are both the same kind of cobbles, the same kind of material - how could I tell the difference

Q That is what I want to know

A I did not say I could

Q Now can you testify that the sand in this river comes from any particular bar on the American river?

A Could I tell the bar it comes from - no sir! And I don't think the man lives that can tell

Q I understood you to testify a moment ago that the bulgings you found in



The river seemed to be the  
 old washings from Mississ-  
 ippi Bar. A few tailings  
 found away down opposite  
 Sacramento Bar and Sailors  
 Bar where the river is so  
 flat, I say that when you  
 look at them now they  
 look like the kind of rocks  
 of cobble rocks that come from  
 Mississippi Bar, Texas Hill,  
 Maine Flat, ~~Mass~~ Pennsylvania  
 Flat, and Tate's Diggings, it  
 is all the same kind of  
 material and looks like  
 that but I did not say it  
 came from Mississippi Bar  
 there may a portion of it  
 have come from there; it  
 has all come from that  
 section of about two miles  
 from the river

O Sturtevant you stated  
 within a year to numerous  
 citizens in the town of  
 Sacramento that unless  
 by draille mining in the  
 mountains was stopped



that this valley would be destroyed?

Mr. Leathin I object to that unless Counsel names the time and place

A Yes Sir I have said that too

Mr. Hart Now do you mean to testify that all the tailings in this river came from the mines at Folsom?

A No Sir I did not say any such thing and you never heard me say so

Q Don't you know that tailings have been coming down that river from a point above Folsom ever since you have been mining there?

A I do not know whether it is or not. I have not mined there since 1856 above Doten's bar and how could I tell

Q Don't you know I ask you that tailings have been coming down past Folsom from the mountains



above Folsom ever since you  
commenced mining at  
Folsom or mined on this  
river? A The river  
comes down rocky but where  
the tailings come from I  
am unable to state,

Q You know that sand is  
constantly coming down to  
Folsom don't you?

A I do not know anything  
about it. Worked on my  
own claim and the river  
came down flowing and how  
could I tell where it came  
from

Q You do not know whether  
there was sand and grit  
in the river? A Yes sir  
there was sand and grit  
in the water there. Anybody  
knows that

Q You know there was a  
great amount of sand and  
grit in the water coming  
down, don't you?

A The river comes down  
rocky and thick sometimes



in freshets

Q Very thick too don't it?  
A I do not know I never  
measured it or dipped  
a bucket <sup>out</sup> of it in 10 years

Q I understood you to say  
awhile ago that you could  
tell the amount of water in  
a sluice by looking at it  
and so I did not say  
any such thing. I said I  
would take a stick and  
dip it down and get the  
depth of it and then the  
width of it and then I  
could make a rough estimate  
and I can do it now if  
you want it

Q Will just tell me  
how much a sluice 2 feet  
wide and 2 foot deep  
will carry? A well I would  
have to estimate

Q This is giving you the  
depth and width?

A well I can make the  
width and depth just as  
well as you



Q This is the depth and width; how much will it carry? A 2 feet deep and 2 feet wide. I would have to sit down and figure on it.

Owen said you could do it quickly. I will give you a piece of paper —

Let me have a piece of paper, and I do not say I will be accurate. I will come within a few inches. I never had as much time to be at school as you did. I worked in my boyhood. I think there would be 576 miners inches <figuring>

Q How do you determine that? A Well it is 2 feet wide that is 24 inches; and 2 feet deep, that is 24 inches and then you multiply the one by the other and that is what we call miners inches.

Q Is that miners inches?

A That is what I have



brought it for you after year

Q You call that miners inches? Now then suppose it is on a 2 inch grade?

A I am that scientific a man. I told you that

Q Now don't you know that you cannot tell anything about the quantity of water without knowing its grade and velocity?

A You asked me to tell you how much was running in a ditch miners measure ment ~~in a ditch~~ 24 inches square and I gave it to you.

Q Well I asked you if you could determine how much water there is running in a flume. Now suppose it is only running on a 2 inch grade? A Then I do not profess to tell.

Q Suppose it ran on a 12 inch grade? A I tell you I do not profess to do that and that ought to be enough. I do not profess



to give the velocity of it for  
I do not think I am able to

Q You would have to have  
the velocity made so that  
one square inch would carry  
one miner's inch and then  
you would multiply the  
width by the depth?

A No sir when I buy an  
inch, as I have done it for  
25 years they have a box  
set level with a spirit level  
12 inches wide and 12 inches  
deep or else 24 inches wide  
and 24 inches deep

Q You did not pay any  
attention to the velocity?

A I told you I did not  
understand that and that  
ought to satisfy you. I am  
talking about miner's inches  
and I gave it to you

Q Did you measure your  
water by sticking a stick  
down into your flume?

A No; you asked me  
how I could tell, and I  
say I would stick a stick



down into the flume and make a rough estimate and I would not do it accurately

Q You are prepared to admit then, that an ordinary mines cannot tell how much water there is in a flume by sticking a stick down?

A There are some miners that could do it of course better than you would

Q That may be and not do much either. But I say you are prepared to admit at this time that a mines cannot determine how much water was running in the flume by sticking a stick in it?

A If I go to a flume and stick a stick down and it is 12 feet one way and 2 feet the other I would make you a rough estimate of 17500 inches and that would come within 50 or 60 inches of it

Q When was the most of



this mining done near Tolson?  
 a from 1856 on to probably  
 1861 or 1862

Q There has not much  
 been done since?

A yes; a good deal

Q How much?

Atwell, Innes was around  
 to tell just exactly the amount

Q What has become of these  
 several camps that were there?  
 Rattlesnake where you say  
 there was 2000 inhabitants  
 and a theatre?

A I did not say Rattle  
 snake

Q What has become of that  
 community of people?

A Well the man above  
 knows. I don't. I left in  
 1856

Q How many people  
 have been there since 1860?

A I have not been there

Q You do not know  
 whether any mining has been  
 done there since 1860? or not

A I did not say that there



was. I say that in a mining camp when the ground is worked out the people go every where and God knows where they go because when there is no mining they can't live there.

Q When there is no mining?

A Yes sir, when Rattle Snake Bar was worked out and they could not take out any more the people left and there is only one sluice I believe running there that is what I hear.

Q Do you know whether there is one running there now?

A I do not know myself.

Q Do you know if there has been any mining there since 1860? And sir I have not been there.

Q The greater proportion of mining was done at Mississippi Bar also was it not at that time and Texas still? A Yes sir.

Q Before 1860? A Yes



is a great deal ~~less than~~

Q How much more was done before 1860 than since?

Answer I have never kept accurate account of it as I tell you

Answer as not there at least 3 times as much done before as since.

Q I do not know I tell you

Q Was there as much as five times? I might give a guess but it would be only guess to me

Q You say that during the earlier days they used to run their buildings down and when the piles increased they lengthened the flume. Answer is for 200 or 300 feet

Q That was during the summer? Answer is

Q When the winter freshet came it washed it away?

Answer is. Every winter there was a freshet. If there



was no fresher it did not wash it away

Q There was nearly always fresher enough to carry most of it away? A Sometimes — you have been in this Country since 1861 or 2 haven't you?

Q I ask you whether nearly every year there has not been sufficient to wash it out?

A There was very little run down in 1862 and 1863 I think

Q Well there were a few dry seasons but ordinary seasons washed it out didn't it?

A Every fresher that came down washed the tailings down the river

Q You had a fresher every ordinary season? A Yes.

Q And that washed the tailings out?

A Yes sir and then they started the next season and did the same thing over again



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Re-direct Examination  
of  
Edward Christie

Mr. Catlin Explain how water is measured to the miner in the mine where you have been accustomed to work?

A. A box is set in the ground 6 or 8 or 10 feet square, 10 feet as high and probably 1 foot or 2 or 3 feet deep and there is a spirit level taken and it is set exactly level and there is a whole cut for each miner and a little gate on it and if they want 12 inches they cut it 12 inches wide and 1 inch high and that is 12 inches of water. If they want 24 inches, they cut it 2 inches high and 12 inches wide that is 24 inches, and the water flows out of this gate and there is a slide to it and the water agent comes at 12 o'clock and shuts the slide and lets it run into the reservoir. And when 1 o'clock comes he opens



it and the muni get it into  
Each chain

Q What pressure do they give  
them? A. The box is gener-  
ally a foot high and if it is  
cut 2 inches then they let it  
run within probably an inch  
or 2 inches of the top and  
they rack in it 6 inches pressure  
from the bottom up, and that  
would be about 4 inches and  
a box constructed in that way  
24 inches deep, 24 inches wide,  
the gate shut down and leaving  
an aperture 24 inches by 24  
inches pressure, would deliver  
5-6 inches. That is the way I  
am calling it and that is the  
way I always have since I  
have been in the Country and  
Every body who ever saw a  
mining ditch in the Country knows  
it.

Q. Then I ask you whether you  
have been in the habit of buying  
walle? A. For over a quar-  
ter of a century, and I have  
paid as high as a dollar an



inch and they measured it  
like brandy.

Q That is the way it was  
measured to you?

A Yes, Sir, measured as exactly  
as a gallon of brandy would  
be

Q Mr. Hart asked you whether  
you had not said something to  
Citizens he did not name  
any body, but you may just  
state what it was you said

A If he would tell me who  
I said it to, then I might rec-  
ollect the words

Mr. Hart. I asked you whether  
you had not said to different  
Citizens that if thedraulic mining  
was not stopped this valley  
would be soon destroyed

Mr. Catlin. What was it that  
you said on that subject?

A Well, I said this - I  
never said that the valley  
would be destroyed, I said  
to Mr Wilson, I recollect it  
very well. They were talking  
about stopping this mining



and said I, "When you  
 stop the hydraulic mining, then  
 you will stop the sediment com-  
 ing down the river, and not  
 before it; it can not be done  
 and let the miners work, and the  
 miners have the same rights that  
 the farmers have," that's what  
 I said

———— " ————



Testimony  
of  
Stephen G. Beers.

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Called for defendant

Sworn

Mr. Byrne. When did you come  
to California Mr. Beers?

A In 1850

Q Where did you live?

A In Gold Run, about a  
half a mile from Gold Run

Q What has been your business  
since you came to California?

A Mining principally

Q Where did you first mine?

A Placerville

Q In what County?

A El Dorado County

Q In what year? A In the  
Summer of 1850

Q Where next did you mine?

A On the North Fork of the  
American River

Q At what point?

A About 3 miles below Illinois town

Q Where next? A On the  
North Fork above at Fords Bend.



2. Did you say below Fords Bar?  
 a At Fords Bar, the upper  
 end of it

2 Let me ask you if the point  
 that you designate as Fords Bar  
 is the same point that is now  
 known as Warnen bridge or  
 Warnen crossing?

a Well, Warnen crossing is  
 just above.

2 How far above?

a Well, not over 200 feet prob-  
 ably, about 200 feet above,  
 up river

2 How long did you engage  
 in mining operations at Fords  
 Bar? a About 3 months

2 To what mining Company  
 did you belong in the summer  
 of 1852? a I went from  
 Fords Bar up to Indiana Hill

2 To what mining Company did  
 you belong, if to any?

a Well, it was called the  
 Indiana Company then

2 Who discovered the Indiana  
 Hill diggings? a A man  
 by the name of Talbot



Q Were he a member of that Company? A Yes sir

Q Were you also a member? A Yes sir

Q When did you first go to Indiana? A In the Spring of 1852 along the latter part of the spring

Q When were those diggings discovered? A In 1852

Q After the discovery of the diggings what was done in establishing a mining district or any such proceedings

A No, I think the next thing was to find where we could get water to work that with

Q What did you do in that particular direction or with that object? A Ever thought we could get water high enough by going up Cannon Creek, and dig a ditch. And we proposed to one or two other Companies there to go in with us.

Q How many Companies were



then there at that time?

A I think there were 3 other Companies there at that time besides ours.

2 Where were their Claims Situated in reference to your Claim?

A Well, there were 2 at the mine west and one nearer the point toward the river

2 Can you point out upon this map which is just behind you the point where these diggings were discovered - look at it with reference to that tract marked with a blue line that is what is called Indiana Hill claim (referring to Green's map)

The Court. That blue line is supposed to be Canon Creek?

A Yes sir that is the point where we first located

2 How is it designated there? Do you find upon that map something that is called the mill Company? A That is the second company above us where the mill claim started



This is the Indiana Claim proper.

Q Designate the place where these diggings were discovered as near as you can?

A It was right on the point marked Miami Company here that Company is higher up on the hill. It was directly behind the Indiana Company nearer the top of the ridge.

The Indiana Company was next to the ravine

Q Where is the Miami ground in reference to the claim now known as the Indiana Hill Claim?

A Well, it is on the East side next Canton Creek

Q How far distant now known as the Indiana Hill Claim?

A It joins

Q It immediately joins?

A Across side of it joins

Q Now do know the ground now owned by the Gold Run Company and indicated on this map as the Indiana Hill Claim



Ayer, I think this is the ground here

I who located that ground?

A well, there were 2 or 3 Companies there together that have been consolidated. The first original locators were a man by the name of Judd and Pindle, I think and Hodge, there were three of them

2 Any others? A well, part of it was taken up by a man by the name of Bourne on the top of the ridge?

2 Any others? A That is all I believe, as far as I can recollect

2 Ask you what was done if anything in relation to the formation of a Mining district or the adoption of mining laws, rules and regulations for Indiana till in the year of 1852?

A I think there was a meeting called for that purpose and some laws adopted.

2 State what was done?



A Well, they called a meeting to make laws and regulate the boundaries and size of the claims and the work necessary to hold them to keep them from being jumped and so forth and all those miners laws

Q Were there any mining Recorder Elected?

A Not at that time, I do not think there was.

Q When if at any time was there a Recorder chosen?

A Well, there was another meeting called a year or two after that to enlarge the claims, they did not think they were large enough, I think at that meeting there was a Recorder Elected

Q When was that?

A I can not tell, it was 2 or 3 years afterwards though

Q In what year was it?

A I do not know that, I say it was 2 or 3 years after the other meeting

Q Were any other mining districts



formed in that immediate vicinity about that time?

A No sir, I think not, not at that time

2. When, if at any time, were other mining districts formed adjacent to the Indian Hill district? A Well, I do not know

2 Did you ever hear of such a district as the Coes Spring or Mountain Spring district?

A No, I believe not

2. Did you hear of such a district as the Goose Run district?

A Yes sir

2 Where is that with reference to Indian Hill district?

A Well, it is all one now. They put the two into one.

2 You mean by that, that the same territory that was formerly embraced in the two districts is now included in one?

A Yes sir, that is the Goose Run district

2. In what mining district are the claims



of the Gold Run Company  
Situating?

A. Well, they are in the  
Gold Run district I think  
most of them

I Describe by that map?  
Well I do not know  
all the claims

I Do you know the Indian  
Trail claim?

A. Yes Sir, that is in the  
Gold Run district

2. Do you know when  
mining operations were first  
commenced on that property  
A. That is marked in blue here

& yes Sir?

A. About the year 1855 or  
1856

2 By whom?

A. By Dodge and Pindle

2. Any other Else?



A and Mr. Judd

2 How long did they continue to operate that claim and in what manner?

A Well, there is where the first hydraulic pipe was used that ever I saw, that is a hose and pipe on that claim that was in 1856 I think

2. Into what ravine or outlet did they discharge the water and tailings from that claim at that time?

A Well, at that time it came down the Indian Trail ravine here, there was a ravine that put out in here & showing

2. How long did they continue to work that claim through Indian Ravine as a means of outlet or discharge?



A Well up until 1874-75, I think that they had no other way to get rid of it. Part of this ground, the bourse ground, they ran off some of the top into the ravines that put into Cañon Creek

Q. They ran off some of the top into Cañon Creek?

A yes sir

Q. What time was that?

A I do not know exactly

Q. Do you know that tunnel which is called the Gold Run tunnel?

A yes sir

Q. Describe to the Court where it commences, and to where it extends, as well as you can?

A Well, it goes through a ridge here somewhere, I do not know exactly where, into Cañon Creek that raises in this ground here, I do not know exactly where, it is on the east rim though



Q. Into what place does it discharge?

A Into the north fork, the tunnel into Cañon Creek

Q. Have you ever been through that tunnel?

A Yes sir

Q. To what claim does it extend? A. It extends to the Miners' Ditch Claim, this claim here, there is a branch that goes into what is called the Cedar Creek or Cedar Claim

Q. What is the name of the claim belonging to the Gold Run Company into which this tunnel does extend, and which is worked through it, how is it designated on that map? A Well, I see that it starts from Cañon Creek, and rises on this ground here

Q. In what ground?

A It is called the Indiana



Hill Claim

Q. Prior to the construction of the tunnel do you know how much of the surface of that claim was washed off?

A Well, I know pretty near

Q. State to the Court how much, about what depth?

A Well, it varied in depth, some places, it would be 130 feet, and some places it would not be over 40 feet, as they commenced from the ravine it would be shallow, and as they worked back into the material, going on a less grade than the slope of the hill, the bank would naturally get deeper as they work it back.

Q. Can you estimate the average depth?

A I could only guess at it, I don't know anything about measuring



it. Some places it was —

Q. I do not want any guess work. I want you to make an estimate from your knowledge of the premises, if you can make such an estimate?

A Yes, I should think it averaged 90 feet

Q. The average depth about 90 feet? A Yes sir

Q. Do you know the difference between what is called blue gravel and what is called top or surface washings?

A Yes sir, I think I do

Q. With reference to that blue gravel to what extent was that claim washed off prior to the construction of the Gold Run Tunnel — I mean prior to its completion

A To what extent was the top washed off?

Q. Yes sir?

A Well it ~~had been~~



nearly all that they could wash with a pipe. There was a little on the east rim of the surface yet. Now and then I believe, where it had been run out

Q. All that who could wash?

A What did you say?

Q. You said all that they could wash. Who do you mean by they - who do you mean? A I mean all that the hydraulic pipe would cut without blasting

Q Who were the persons who did that washing?

A Well different ones

Q. Name them?

A Boorne, Judd, Hodge, Prindle, and then they washed some themselves since they have run that tunnel through

Q. Prior to what time was the surface of that claim washed away, do



you know? A Well, with the exception of a little it was washed, pretty much all washed away by 1876, I should think, or 1875

Q. Was that before or after the completion of the deep tunnel?

A. It was before

Q. Was it before?

A. Yes sir

Q. Why didn't Judd, and these people wash more of their claims?

A. Well, they could not get any lower with the pipe

Q. Did they have a place for the discharge of the material from it at that time?

A. No. They washed it about as low as they could get rid of it

Q. To what extent did the entire surface of the Gold Run Mining District, as described



upon that map, that portion of it lying below the railroad washed off prior to the year 1875 or 1876 - say 1875? A well, it was nearly all washed off before that time, all it could be run, all it could be washed, into Cañon Creek. All that could be washed through Cañon Creek was about run out by that time, that is about as low as they could put it.

2. About as low as they could put it, did you say?

A Yes sir, there was not grade enough to cut it any lower, so that it would go through Cañon Creek.

2. Do you remember the time when the South Yuba Canal was extended to Gold Run?

A I do not know as I do, no sir, I think it was 1864 or 1865, somewhere along



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there, I am not positive  
as to the year

22

2. I wish you to describe  
to the Court the extent and  
the character of the min-  
ing operations in that  
district after the com-  
pletion of the South Yuba  
Canal, or its extension  
here to the Gold Run  
District?

A Well, before that came  
in they could not more  
than half of them get  
water, but after that came  
in there was almost  
double the amount of water  
used there, as what was  
before



Q How much was used ?  
 A I do not know I never  
 measured it, they calculated  
 that ditch would carry I  
 believe 3000 inches, or about  
 that.

Q That is the South Yuba  
 Canal ?

A That and the other two  
 together about the same,  
 about as much as that  
 one.

Q What others do you refer  
 to ?

A The miners ditch and  
 what was known as the  
 Bradley ditch then, it is  
 changed hands now and  
 they call it the Cedar Creek  
 ditch I believe.

Q Do you mean that each  
 had an equal capacity ?

A Sir ?

Q Do you mean that each  
 of the other two ditches had  
 a capacity equal to the  
 South Yuba Canal ?

A I think they had, They



Might have carried more  
I do not know, they would  
Carry as much though.

Q In what manner was  
that used with reference  
to time and how continuous-  
ly was it used?

A It was used all the time  
it was there, they never  
let any run to waste  
that I know of.

Q Night and day?

A Some claims were running  
nights not all of them.

Q How long did that continue  
from its completion?

A Well up to about 1874 or  
75 I should think.

Q How many claims were  
working during that time  
on an average?

A Well I should between  
25 and 30.

Q What was the character  
of the material that they  
were washing?

A Well it was all dirt,  
gravel.



Q Look at these samples  
(marked one two and three)  
A Well that looks like the  
top dirt (Referring).

Q And see how the ma-  
terial washed between 1865  
and 1875 compared with  
that.

A That looks like the top  
dirt.

Q This is number three.  
A I don't know what number  
it is, that looks like the  
top dirt to me. I know  
there was none of that kind  
of dirt on it (Referring).

Q That is number one?

A Well I think that is a  
little deeper than this and  
this looks very much like  
the top dirt to me.

Q Describe to the Court  
the character of the banks  
as far as concerns the  
existence of boulders or  
cobble stones in the top  
portion of it?

A Well it was a rare



thing to see a boulder as big as this spittoon  
[Referring]

Q It was a rare thing you said?

A Yes sir rarely you would find one in the ground sluices. I have seldom ever had to go through and break them up. If there was a boulder in them it must always stop in the ground sluice and whenever there was any in there they would be broken up. we would go through when the water was off to see if there were any in them and we would break them up with a sledge.

Q What is the fact with reference to the carrying capacity of the ground sluice as compared with the flume?

A Well - will boulders run through a ground sluice



With the same facility that they can through a sluice? A well it would depend altogether on the grade of it.

Q Suppose they had an equal grade  
A I do not think they would run as fast as they would in a flume. it does not look reasonable to me that they would because the bottom of a ground sluice is generally rough.

Q How is it with the bottom of a sluice?

A It is smooth in comparison with the bottom of a ground sluice.

Q How many miners were actually engaged in working these claims during the period you have spoken of about how many?

A During what time?

Q Say since 1865 and up to 1875 in that district?

A Well when they first began



Mining there they did not use a great many because they used old fashioned hose and they did not use so much water as they did in later years, they must have used this hose for six or eight years before they got the Giants and probably more.

Q That is not what I asked you I asked you about the number of men that were actually engaged in mining in that district for the ten years between 1865 & 1875?

A Well each Claim would average five or seven men - from five to seven men

Q Were there any Claims that employed more than that?

A Not in early days I do not think there were.

Q I am speaking of the time from 1865 to 1875?

A I do not think there



were.

Q At what time did you say that the surface material had been completely washed off?

A About 1875 - 74 or 75 - well there was some left along the rim in places

Q Did you ever work upon the American River?  
A Did I ever work on the American River?

Q Yes in the North Fork of the American River?

A Yes - sir

Q At what time?

A Well I worked there nearly every summer from 1853 up to 1860 at different places.

Q At what place?

A Well the first place I worked was about a half above Warners bridge I think.

Q What is your knowledge of the River the North Fork I mean from Ries bridge



up to the mouth of Canyon Creek?

A Well I do not know much about the River only about a half a mile below Fords bar, that is about as far down the River as I have any knowledge of in early days  
Q So I understand you from the mouth of Canyon Creek down to a half a mile below Fords bar?

A Yes sir I am tolerably well acquainted with it there.

Q How often have you seen it

A Well during the summer time in early days I seen it nearly every day that is not the whole route but different places

Q Describe to the Court its condition when you first saw it?

A Well it was pretty clean then, boulders, ripples and deep holes now and then -



Q. How frequently do these deep holes occur?

A Well, I think there was three ~~or~~ four between Warner's Bridge to the mouth of Canon Creek

Q. I wish you would describe them to the Court - their extent, depth, widths, etc.?

A Well, I do not know the depth of but one. I helped to put a flume there, and the lower end of the flume came down in the deep hole That is the only one I know the depth of. We had to have posts about 10 feet long to reach the sand in the bottom. They were to put the flume on, to raise the stringers on

Q. Where was that one?

A That was at the lower end of Parker's Bar about 800 yards above where Warner's Bridge is

Q You remember one



that was just above Fords' Bar? A That is the one  
 Q That is the one? A Yes  
 Q Between Parkers Bar, and Fords Bar, is it?

A Yes. It began at the lower end of Parkers' Bar, and ran down. That is the largest big hole I knew about there. It was probably about 200 feet, if I recollect right. It was about 200 feet long, but it was not so deep all the way.

Q. How wide was it?

A Well, it might have been 80 feet, I guess. The rock on the opposite side of the river was tolerably bluffed.

Q. How deep?

A. It was about <sup>(10)</sup>100 feet - the water where we put the posts.

Q What was the average depth? A I do not know. I never waded through it;



or swam across it, but the lower end of all these deep holes would generally come up on a kind of a regular grade. And the upper end of the hole in the river is generally the deepest - from the water pitching into it.

Q. Do you speak of the depth of that hole at low water? A Yes

Q. At extreme low water?

A Yes; because at high water I never was there, except one year, one season.

Q. Did you examine the river in the year 1875? or 1876, did you see it or pass by it? A Well, I have seen it. I have been hunting for deer along on the side hill, and I have crossed it, and gone on the other side of the river.

Q. Do you remember the Winter of 1875-6, as to its being called a flood.



Winter or otherwise?

A. No, sir, I do not. I never paid much attention to the floods, because in the Winter time I have most generally been on the hill. I have never been on the river in the Winter time, that is during a flood, except one season, and that was in early days, away above Cañon Creek.

Q. Have you any recollection what kind of a river 1875-6 was on the hill where you lived as to rainfall, and the quantity of water that fell? A. Well, I do not recollect.

Q. When you were on the river in 1876, after the flood, what was its condition as to tailings?

A. Well, it looked to be pretty clear. I noticed in one place - I was down there, and I shot 2 deer on the side hill, and one



rolled clear to the river,  
and I went down and  
took his entrails out,  
and laid him on a rock  
right in the river.

There were some tail-  
ings around it, and thinking I,  
I can not get both of them  
up home to night and I will  
go down to the bridge and see  
if Jack don't want it, that is  
Mr. Warner, and I went to the  
bridge and I told him if he  
wanted it he could go and get  
it. It laid on one of the nat-  
ural boulders in the river.

I have you seen that ruin  
recently? A Yes, I have  
been along there, nearly every  
fall since, I have crossed it on  
the bridge.

When were you there last?  
A I was there the last fall,  
last September; I think

I will you state what time?

A I think it was sometime of  
September, it was about a week  
before the wrecking of the train



up there and I think that was  
in September. I know they pulled  
me down there for a witness  
Mr Hunt... Where was it you  
said that you crossed it?

a at Warner bridge

2 You crossed it at Warner  
bridge in September?

a No sir, I did not cross his  
bridge in September. That was  
4 years ago that I crossed his  
bridge. I waded across it  
last fall, there is no bridge  
there now

2 You crossed at that point?

a Yes I crossed at that point  
and I have crossed at two or  
three places above that

Mr Dymme Do you remember  
where Warner old bridge stood?

a Well, he has owned three  
different bridges there in dif-  
ferent places. The first built  
the Hamlin and Cullocway  
bridge, that was at the very  
lower end of Ford's Bar  
and that went off. I believe,  
and he put one up about



half way between there and where his last wife was and that went away. And then he put me up where the last one was.

I What became of that?

Awell, that went out last year.

I You remember where George Hamlin's house stood? aye.

I Where was that?

Awell it stood on the south side of the river near the top of the Bar, Roods Bar. Roods Bar is a great high bar about 100 feet from the river I should think, and it stood within 20 feet of the top of that bar. The bar at that end slopes and it was built on the slope.

I How high above the river at low water mark, did Hamlin's house stand?

Awell, perpendicularly I judge it to be about 50 feet I should think, probably more.

I Is that house there now?



A Noair, it is not there  
now

What is the height of the  
tailings with reference to the  
place where that house stood,  
at the present time?

A I think the tailings are  
near to where the house stood,  
the underpinning.

Do you know of any other  
land marks there by which  
you can judge about the depth  
of the tailings in the river  
at the present time?

A Well, there is a place at  
the upper end of that bar,  
where I worked in 1855.

I proceed and tell what you  
know about it, that is Fords  
Bar

A Yes the upper end.  
We run a drift in there. The  
bed rock was high probably  
20 feet above the water.

We run a drift in there and  
worked in it as long as it  
paid and then we gave it up  
and went up on the hill, In-  
diana Hill, and the tailings.



and the tailings are all over  
that place now.

2 The bed rock was high at  
the upper end of that bar<sup>2</sup>.

After.

2 Are there any evidences  
remaining of those bridges of  
which you have spoken?

A Well, there is one, the mid-  
dle bridge, a timber that the  
stringer laid on is there yet  
but the tailings are within two  
feet of it I think. It is where  
the middle bridge site was

2 How high is that above  
the original surface of the  
bridge at low water

A Well, I do not know as  
I ever crossed that bridge but  
meo, but it looked to me  
very high down to the water.  
I should think it was 40 feet

2 That is your recollection  
of it<sup>2</sup>. After, where the  
bridge was the river is very  
narrow. It is almost a bluff  
on both sides - was at that  
time. The river was very



Narrow there and the current goes through there tremendous when there is any water in the river at all. It did in early days.

Q What is about the slope of the bank there?

A There at that place?

Q Yes? A Well, there where the bridge was, they were almost straight up and down?

Q Almost perpendicular?

A Yes.

Q How wide is the average width of the river?

A What do you mean, the old bed?

Q The original bed, yes?

A I should think it would be 7 or 80 feet probably, may be some places more, and some places may be not quite so much.

Q What do you say is the average depth of the tailing's between River Bridge and the head of Buchanan Bay, if you know.



I do not know any thing a-  
bout Rice bridge, but from  
a point about 1000 or 1500  
yards below Rods Bar, from  
there up, I need give prob-  
ably a tolerable estimate, but  
from there down I do not  
know any thing of it, for I  
never worked on the river below  
there and never had occasion  
to go along there.

I state just what portion  
of the river you do know about,  
and then state to the Court  
what your judgment is as to  
the average depth of the tail-  
ups there? A well, at  
the lowest point I know of,  
I should think the tailups  
are 40 feet deep, there is al-  
most half a mile below the  
lower end of Rods Bar. At  
Rods Bar I think they are  
a little deeper there, they may  
be 50 feet, between 50 and 60.  
I have far below the mouth  
of Canon Creek, would be the  
lowest point of which you



have now spoken?

a well, 2 1/2 miles, I should think probably a little more

I so that for 2 1/2 miles you know the river pretty well?

ayer, I am pretty sure I do

I what do you say is the average depth of the tailings in that section of the river about you know?

h The average depth?

2 yds?

a Well, I think the average comes 35 between 35 and 40 feet. I know at the upper end at Pakenings, they are so deep and they seem to grow deeper as you go down towards Perdo Bar.

I of what material are these tailings composed?

a Well along between those points they are very coarse heavy rock, some cobbles, and some light dirt, light gravel

I How are they placed in the river with reference to solidity or firmness?



A well, I never tried them  
with a pick, but they look  
a good deal like the old bed  
used to, only more of a lighter  
colored rock. They seem to lie  
in the water just as the old  
bed used to look, when there  
was rock of that size. I never  
tried them with a pick to  
see how solid they were but  
they looked tolerably firm.

2 Did you ever engage in  
mining out the original  
deposit at the same places  
of which you now speak?  
Ayer, I have.

Recess until tomorrow  
Dec 21<sup>st</sup> / 81 @ 9<sup>30</sup> AM.



